

REPORT TO CITY COUNCIL - BOARD OF APPEALS – DECEMBER 4, 2013

To: South Portland City Council
From: Cathy Counts, Secretary to the Board
Re: Board of Appeals Meeting of December 4, 2013
Location: Council Chambers, City Hall

At 7:00 p.m., Chairman Greg Perry called for the Pledge of Allegiance, reviewed Board policies and procedures, and introduced Board members and staff in attendance.

MEMBERS PRESENT

Greg Perry (Chairman)
Alex Anastasoff
Cara Biddings
Daniel Fortin
Aaron Hackett
Sara Orbeton

STAFF PRESENT

Patricia Doucette, Code Enforcement Officer
Cathy Counts, Secretary to the Board
Sally Daggett, Corporation Counsel (re item 2 only)

MEMBER ABSENT - Claude Morgan

Mr. Perry brought the meeting to order at 7:05 p.m. with the Pledge to the American Flag. He read the agenda and Board policies.

1. Accepted Minutes of the August 28, 2013 meeting.

Mrs. Orbeton moved and Ms. Biddings seconded to accept the minutes of the previous meeting. Accepted 6-0.

2. Tabled request of Mary E. Campbell of 35 Strathmore Road and Edward & Maureen Conroy of 31 Strathmore Road - Administrative Appeal contesting a building permit issued on September 25, 2013 to Kay Loring, owner of property located at 38 Strathmore Road – 013*0000*311B. (2013-09)

The appellants state that “The building permit has been issued under the erroneous premise that a variance was granted in 1973 and that the “variance” (although not in the form of any letter or recorded document) can be invoked for the first time forty years later by a party other than the party that applied for the variance some forty years ago.” Following public hearing, Ms. Biddings moved and Mr. Hackett seconded to table the request to the January 8, 2014 meeting, 4-2 (Anastasoff & Fortin opposed). The purpose of the tabling is to allow the appellants’ counsel time to submit all exhibit copies referenced at public hearing but not provided as part of the original

application packet. This will allow the Code Enforcement Officer time to review and prepare a response to these exhibits and will allow the Board of Appeals adequate time to review these documents prior to the next meeting. All documents must be submitted twenty (20) days prior to the 1/8/2014 meeting. The submittal deadline is Thursday December 19, 2013 by 4:30 p.m. Following a Board discussion, Mr. Anastasoff moved and Mr. Fortin seconded to reconsider the request tonight. The motion failed 3-3 (Biddings, Perry, Orbeton), thus the item remained tabled to the next meeting. {Secretary's note: Since Mr. Anastasoff and Mr. Fortin had voted against the tabling, their motion to reconsider was invalid. The motion and second to reconsider would need to have come from one of the four members who voted in favor of the tabling.} **(2013-09)**

3. Approved request of Michael & Sharon McIntyre – 25 Stone Drive - 011*0000*032* - A Residential Zone – 11' Front & 2' Side Property Line Setback Variances – Practical Difficulty. (2013-10)

The applicants have applied to this Board for permission to raise the roof height and construct dormers on their single family home. The home is 9' from the front property line and 4' from the side property line, for which 11' front and 2' side property line setback variances are requested. Following public hearing and Board discussion, the Board voted on each of the 8 criteria of practical difficulty separately. All criteria passed unanimously except # 6 (no other feasible alternative), which was opposed by Mr. Hackett but still passed by majority vote. The result was approval of the requested variances 6-0. Findings of fact were read and approved 6-0. **(2013-10)**

4. Approved request of Matt Provencal representing Geoffrey Rice – 12 Roberts St - 038*0000*033* - A Residential Zone – 10.3' Front & .7' Side Property Line Setback Variances – Practical Difficulty. (2013-11)

The applicant has applied to this Board for permission to raise the roof height on this single family home to accommodate a second floor addition with dormers. The home is 9.7' from the front property line and 5.3' from the side property line, for which 10.3' front and .7' side property line setback variances are requested. Following public hearing and Board discussion, the Board voted on each of the 8 criteria of practical difficulty separately. All criteria passed unanimously except # 6 (no other feasible alternative), which was opposed by Mr. Hackett but still passed by majority vote. The result was approval of the requested variances 6-0. Findings of fact were read and approved 6-0. **(2013-11)**

5. Approved request of Laurel LaBauve representing SoPo Cottage, LLC – 30 Deake St - 001*0000*080* - AA Residential Zone – 5’ Front Property Line Setback Variance – Practical Difficulty. (2013-12)

The applicant has applied to this Board for permission to raise the roof and construct dormers on the single family home. The home 15’ from the front property line, for which a 5’ front property line setback variance is requested. Following public hearing and Board discussion, the Board voted on each of the 8 criteria of practical difficulty separately. All criteria passed unanimously except # 6 (no other feasible alternative), which was opposed by Mr. Hackett but still passed by majority vote. The result was approval of the requested variances 6-0. Findings of fact were read and approved 6-0. (2013-12)

6. Denied request of Michael P. Allen – 17 Deake St - 001*0000*219* - A Residential Zone – two 9’ Front Property Line Setback Variances from Deake St & Willard Haven Rd – Practical Difficulty. (2013-13)

The applicant has applied to this Board for permission to raise the roof of the existing single family home on this corner lot for additional headroom. The home is 11’ from Deake St and 11’ from Willard Haven Rd, for which two 9’ front property line setback variances are requested. Mrs. Doucette explained that prior to the meeting, one of the 500’ abutters notified her that she believed the subject property to be in the Shoreland Zone and that the request should therefore be reviewed under the undue hardship criteria rather than the practical difficulty criteria. The applicant proceeded to address those four criteria. Following public hearing and Board discussion, the Board voted on each of the 4 criteria of undue hardship separately. All criteria passed unanimously except # 1 (*that the land in question cannot yield a reasonable return unless a variance is granted*), which failed 3-3 (Hackett, Anastasoff and Biddings opposed). The result was that the variance requests, failing approval, were denied. Findings of fact were read and approved 6-0. Mrs. Doucette recommended that the applicant have a boundary line survey done to determine whether the property is actually in the shoreland zone. (2013-13)

7. Discussed Old and New Business.

Board discussion continued about the definition of reasonable return, strict application of the variance preventing home repair, and what can be done within the boundaries of the shoreland zone. Mrs. Doucette said she would have to get back to the applicant on that.

Mr. Perry wondered, if they were not bringing reason into this, why are they sitting on the Board? This roof was falling in and the roofs of the other three requests for the same kind of variances were not. Mrs. Doucette noted that if the applicant comes forward with new information, the request would be heard as a new application.

Mr. Anastasoff noted that Mr. Morgan was absent tonight and asked what would happen if he comes to the January 8, 2014 meeting and the Strathmore Road tabled item is reviewed. Would Mr. Morgan be able to participate in the process? Mrs. Doucette said that he would if he reviews the recording of the meeting and familiarizes himself with the issues.

8. **Adjourned 10:40 P.M.** Mr. Hackett moved to adjourn at 10:40 p.m., seconded by Mrs. Orbeton. Unanimous 6-0.

The next meeting will be Wednesday, January 8, 2014. Deadline for applications is Thursday, December 19, 2013.

Respectfully submitted,

Cathy Counts
Secretary to the Board

**CITY OF SOUTH PORTLAND
GENERAL ASSISTANCE DEPARTMENT
GENERAL ASSISTANCE STATISTICAL REPORT
REPORTING PERIOD: OCTOBER 2013**

TOTAL ASSISTANCE PAYMENTS OCTOBER 2013	\$17,957.23
OCTOBER 2012	\$13,272.87
OCTOBER 2011	\$ 12,397.56
OCTOBER 2010	\$24,644.43
OCTOBER 2009	\$31,869.44
OCTOBER 2008	\$16,869.97
OCTOBER 2007	\$13,568.97
OCTOBER 2006	\$16,705.91

Housing Payments (Rent, Mortgage):	\$ 14,820.89
Temporary Housing (Emergency-Shelters/Motels):	\$ 300.00
Heating:	\$ 339.00
Electric Service (CMP):	\$ 370.35
Propane Gas (Unitil):	\$ 58.78
Food:	\$ 253.16
Prescriptions:	\$ 1,454.70
Medical Services:	\$ 0
Dental:	\$ 0
Burials/Cremations	\$ 0
Diapers/Baby Supplies:	\$ 125.00
Household/Personal:	\$ 223.73
All Other Needs:	\$ 11.62

Heating Assistance Fund CDBG: 100 gallons Cases: 6

WORKFARE STATISTICS: Cases: 1 People: 1 Hours: 88 Value (at minimum wage \$7.50)= \$660.00

OCTOBER	2013	2012	2011
Total Families Assisted	50	50	49
Total Individuals Assisted	119	96	107
Total Children Assisted	22	13	21

Respectfully submitted,

Kathleen

Kathleen Babeu. GA Program Manager

**CITY OF SOUTH PORTLAND
GENERAL ASSISTANCE DEPARTMENT
GENERAL ASSISTANCE STATISTICAL REPORT
REPORTING PERIOD: NOVEMBER 2013**

TOTAL ASSISTANCE PAYMENTS NOVEMBER 2013	\$11,808.23
OCTOBER 2012	\$13,282.51
OCTOBER 2011	\$ 13,550.97
OCTOBER 2010	\$18,012.56
OCTOBER 2009	\$19,423.89
OCTOBER 2008	\$21,113.68
OCTOBER 2007	\$15,787.24
OCTOBER 2006	\$19,779.02

Housing Payments (Rent, Mortgage):	\$ 9,807.20
Temporary Housing (Emergency-Shelters/Motels):	\$ 0
Heating:	\$ 235.67
Electric Service (CMP):	\$ 288.16
Propane Gas (Unitil):	\$ 35.74
Food:	\$ 196.98
Prescriptions:	\$ 57.64
Medical Services:	\$ 0
Dental:	\$ 0
Burials/Cremations	\$ 785.00
Diapers/Baby Supplies:	\$ 49.45
Household/Personal:	\$ 302.39
All Other Needs:	\$ 50.00

Heating Assistance Fund CDBG: 100 gallons Cases: 3

WORKFARE STATISTICS: Cases: 1 People: 1 Hours: 88 Value (at minimum wage \$7.50)= \$660.00

NOVEMBER	2013	2012	2011
Total Families Assisted	35	53	38
Total Individuals Assisted	80	118	77
Total Children Assisted	14	20	8

Respectfully submitted,

Kathleen

Kathleen Babeu. GA Program Manager

City of South Portland - Plumbing Permits - Month of OCTOBER 2013

DATE	RECEIPT	PERMIT #	PLUMBER	ST #	ADDRESS	PROPERTY OWNER	CITY	STATE	NOTES
10/1/2013	1094249	5713	Jamy's P&H - Blanchard	37	Thadeus St	Maietta, Neil	\$82.50	\$27.50	\$10 SURCHG
10/1/2013	1094310	5714	Ryan's Plumb.- Littlefield, Ryan	35	Willard St	Izzo, Gennaro	\$30.00	\$10.00	\$10 SURCHG
10/4/2013	1094848	5715	Leclair's P&H	161	Stanford St	Walker, Lisa	\$30.00	\$10.00	\$10 SURCHG
10/7/2013	1094935	5716	Roberts, David	276	Pine St	Zubord, Louise	\$30.00	\$10.00	\$10 SURCHG
10/7/2013	1095118	5717	SP P&H, Corbeau	100	Foden Rd, Ste 203W	Intermed Physical Therapy	\$30.00	\$10.00	\$10 SURCHG
10/8/2013	1095163	5718	Pine State Services, Macisso	300	SouthBorough Dr	Mortgage Network	\$30.00	\$10.00	\$10 SURCHG
10/15/2013	1096595	5719	Harding, Brad	62	E St	Holly's Hair Salon	\$30.00	\$10.00	\$10 SURCHG
10/15/2013	1096606	5720	Cronkite, Mark	19	Spurwink Av	Cronkite, Mark	\$30.00	\$10.00	\$10 SURCHG
10/15/2013	1096670	5721	Kelley, John	22	Kaler Rd	Carlson, Jason & Elizabeth	\$30.00	\$10.00	\$10 SURCHG
10/15/2013	1096898	5723	Blanchard, Jamy	5	Simonton St	Graiver Homes LLC	\$112.50	\$37.50	\$10 SURCHG
10/15/2013	1096899	5722	Blanchard, Jamy	18	Grand St	Port West Properties/Graiver	\$112.50	\$37.50	\$10 SURCHG
10/16/2013	1097824	5724	Dinan, John	19	Edwards St	Dinan, John	\$30.00	\$10.00	\$10 SURCHG
10/23/2013	1099175	5725	Jimino's P&H	729	Broadway	Tyll, Chris	\$277.50	\$92.50	\$10 SURCHG
10/28/2013	1100061	5726	Al's P&H	365	Maine Mall Rd	Starbucks & Mattress Firm	\$67.50	\$22.50	\$10 SURCHG
10/29/2013	1100380	5727	All Aspects P&H	75	George St	Dickey, Alice	\$60.00	\$20.00	\$10 SURCHG
10/30/2013	1100488	5728	Southern Maine P&H	30	Donald B. Dean Dr	RMS Office	\$262.50	\$87.50	\$10 SURCHG

City of South Portland - Plumbing Permits - Month of NOVEMBER 2013

DATE	RECEIPT	PERMIT #	PLUMBER	ST #	ADDRESS	PROPERTY OWNER	CITY	STATE	NOTES
11/1/2013	1101072	5729	D & P P&H, Pettingill	100	Deake St	Viarello, Paul	\$135.00	\$45.00	\$10 SURCHG
11/4/2013	1101530	5730	Locke, David	16	Kelley St	Locke, David	\$30.00	\$10.00	\$10 SURCHG
11/5/2013	1101869	5731	Steve Fava Jr P&H	757	Main St Unit 15	Richards, Anthony	\$30.00	\$10.00	\$10 SURCHG
11/8/2013	1102835	5732	Jim Godbout P&H	343	Gorham Rd	DK Nails	\$67.50	\$22.50	\$10 SURCHG
11/12/2013	1102880	5733	Dan Burke Plumbing	195	Harriett St	Salamone, Gary	\$30.00	\$10.00	\$10 SURCHG
11/13/2013	1103714	5734	Pine State Services Inc.	386	Preble St	Maine Investment Properties	\$120.00	\$40.00	\$10 SURCHG
11/14/2013	1104071	5735	Sheehan's Plumbing	25	Mosher St	Martian Enterprises	\$75.00	\$25.00	\$10 SURCHG
11/25/2013	1109801	5736	Pine State Services	82	Harbor Pl	Kelley, Elizabeth	\$30.00	\$10.00	\$10 SURCHG

City of South Portland - Plumbing Permits - Month of DECEMBER 2013

DATE	RECEIPT	PERMIT #	PLUMBER	ST #	ADDRESS	PROPERTY OWNER	CITY	STATE	NOTES
12/3/2013	1110773	5737	New Energy Solutions, Cote	2112	Broadway	2112 Broadway LLC	\$30.00	\$10.00	\$10 SURCHG
12/4/2013	1110702	5738	Nichols, Philip	585	Broadway	Cali Cuts	\$30.00	\$10.00	\$10 SURCHG
12/4/2013	1110825	5739	Succhini's P&H	58	Angell Av	PFP SPME LLC	\$112.50	\$37.50	\$10 SURCHG
12/5/2013	1110870	5740	Johnson & Jordan	255	Maine Mall Rd (new Honda bldg)	Berlin City Motors	\$420.00	\$140.00	\$10 SURCHG
12/6/2013	1111099	5741	Hannigan, Robert	115	Alfred St	Leahy, Sharon	\$30.00	\$10.00	\$10 SURCHG
12/9/2013	1111158	5742	RSD P&H, Dorr	7	Carlisle Way	Brown, Earl	\$82.50	\$27.50	\$10 SURCHG
12/11/2013	1111496	5743	Cyr, Alan J.	178	Margaret St	Carlson, Richard	\$105.00	\$35.00	\$10 SURCHG
12/13/2013	1111733	5744	DiBiase, David	586	Westbrook St	Village Variety	\$30.00	\$10.00	\$10 SURCHG
12/18/2013	1112197	5745	Mountain Mechanical	161	Western Av	Harbor Freight Tools	\$75.00	\$25.00	\$10 SURCHG
12/26/2013	1112766	5746	SP P&H	100	Gannett Dr	Intermed Admin Offices	\$30.00	\$10.00	\$10 SURCHG
