

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier
Sara Moppin-secretary
Gordon Smith-chair
Mark Bower
William Getz
Elyse Segovias

August 7, 2012

David Levi
19 Ellsworth Street
Portland, ME 04102

RE: 181 Congress Street
CBL: 013 M026
ZONE: B-1

Dear Mr. Levi,

At the August 2, 2012 meeting, the Zoning Board of Appeals voted 4-0 to grant the Miscellaneous Appeal to allow two of the required off-street parking spaces to be leased off premises with the condition that the owner of the two parking spaces must submit a letter of permission to lease before the building permit is issued. The Board also voted 4-0 to grant the Conditional Use Appeal to establish a restaurant. This approval is valid for two years from the date of the appeal. I am enclosing copies of the Board's decisions.

You will also find an invoice for \$310.59 for the fees that are still owed on the appeals for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Now that the Miscellaneous and Conditional Use Appeals have been approved, you need to submit a change of use application/building permit to change the use of the property to a restaurant. This permit should include any interior work that is necessary to fit the space up as a restaurant. I have enclosed an application. The building permit must be issued and construction begun within two years of the date of the hearing, August 2, 2012, referenced under section 14-474(f), or the Zoning Board approval will expire.

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 feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: August 6, 2012

RE: Action taken by the Zoning Board of Appeals on August 2, 2012.

Members Present: William Getz, Phil Saucier (acting chair), Mark Bower and Sara Moppin (secretary)

Members Absent: Gordon Smith and Elyse Segovias

1. New Business

A. Miscellaneous Appeal:

181-183 Congress Street, David Levi, buyer, Tax Map 013, Block M, Lot 026, B-1 Neighborhood Business Zone: The appellant is seeking a Miscellaneous Appeal under section 14-334 to provide two required off-street parking spaces that are located more than one hundred feet from his restaurant. Representing the appeal is the buyer.

The Zoning Board of Appeals voted 4-0 to grant the appeal allowing the applicant to lease two off street parking spaces off site with the condition that the applicant submit a letter from the owner of the parking spaces before the issuance of the building permit.

B. Conditional Use Appeal:

181-183 Congress Street, David Levi, buyer, Tax Map 013, Block M, Lot 026, B-1 Neighborhood Business Zone: The appellant is seeking a Conditional Use Appeal under section 14-163(a)(1) to have a restaurant. Representing the appeal is the buyer. **The**

Zoning Board of Appeals voted 4-0 to grant the appeal to allow the restaurant use. The approval is valid for two years from the date of the appeal.

Enclosure:

Decisions for Agenda from August 2, 2012

One DVD

CC: Mark Rees, City Manager

Jeff Levine, Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-1 Zone Off-Street Parking:

Miscellaneous Appeal

DECISION

Date of public hearing: August 2, 2012

Name and address of applicant: David Levi
Vinland
19 Ellsworth Street
Portland, ME 04102

Location of property under appeal: 181 Congress Street

For the Record:

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

Elizabeth Trice Planning to buy building behind
restaurant
Peter Blackstone 76 Cumberland

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

Findings of Fact and Conclusions of Law:

Applicant currently has 664 sq. feet of public space and can only offer two parking spots on the property. Applicant has agreed to lease two parking spots from Homegrown Herb and Tea, located at 195 Congress Street. The parking spots are accessed from Cumberland Ave, therefore walking distance from the lot to the restaurant is 561.4 feet with no street crossings. Distance is over 100 feet but less than 1500 feet.

A. Off-Street Parking pursuant to Portland City Code §14-334:

The Board of Appeals may approve the may permit off-street parking located further than one hundred (100) feet from the principal building or use upon finding that such off-street parking meets the following standards:

- (a) *Distance from principal building or use site:* Off-street parking shall be located no more than 1500 ft. from the principal building or use site measured along lines of public access.
- (b) *Control by ownership or lease:* The premises to be used for parking shall be held under the same ownership as the principal building or use or by lease with a term of not less than five (5) years with an option to renew.

Satisfied Not Satisfied

Reason and supporting facts:

Per applicant and application Parking spots will be 561.4 feet from principal building and will be held ~~under same ownership~~ or by lease of with a term of not less than 5 years with an option to renew.

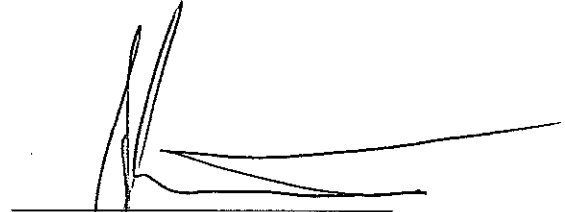
Conclusion: (check one)

Option 1: The Board finds that the relevant standard described in section A above has been satisfied and therefore GRANTS the application.

Option 2: The Board finds that the relevant standard described in section A above has NOT been satisfied and therefore DENIES the application.

Dated:

Aug 2, 2012



Board Chair

O:\OFFICE\MARYCZBAIB-1 miscellaneous appeal off-street parking.doc

Condition: Applicant to submit letter from owner of ~~building~~ parking spaces before issuance of building permit.

Members Present: Phil Sawyer (Chair) SARA Moppin (Sec) - Mark Baker
William Getz

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Members Absent: Gordon Smith - Elyse Segoria

APPEAL AGENDA

6:35pm

The Board of Appeals will hold a public hearing on Thursday, August 2, 2012 at 6:30 p.m. on the second floor in Room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

Granted
4-0
with condition
that owner of
neighboring spaces
gives approval
1st

1. New Business

"Vinland"

A. Miscellaneous Appeal:

181-183 Congress Street, David Levi, buyer, Tax Map 013, Block M, Lot 026, B-1 Neighborhood Business Zone: The appellant is seeking a Miscellaneous Appeal under section 14-334 to provide two required off-street parking spaces that are located more than one hundred feet from his restaurant. Representing the appeal is the buyer.

B. Conditional Use Appeal:

181-183 Congress Street, David Levi, buyer, Tax Map 013, Block M, Lot 026, B-1 Neighborhood Business Zone: The appellant is seeking a Conditional Use Appeal under section 14-163(a)(1) to have a restaurant. Representing the appeal is the buyer.

Granted
4-0

Allowed up to 2 years

2. Adjournment:

7:05pm



City of Portland Zoning Board of Appeals

July 25, 2012

David Levi
19 Ellsworth Street
Portland, ME 04102

Dear Mr. Levi,

Your Conditional Use and Miscellaneous Appeals have been scheduled to be heard before the Zoning Board of Appeals on **Thursday, August 2, 2012 at 6:30 p.m.** in room 209, located on the second floor of City Hall.

Please remember to bring copies of your application packets with you to the meeting to answer any questions the Board may have.

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

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

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315, Attn: Ann Machado
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File



PORTLAND MAINE

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Receipts Details:

Tender Information: Check , Check Number: 129
Tender Amount: 100.00

Receipt Header:

Cashier Id: amachado
Receipt Date: 7/16/2012
Receipt Number: 46005

Receipt Details:

Referance ID:	1686	Fee Type:	PZ-Z1
Receipt Number:	0	Payment Date:	
Transaction Amount:	100.00	Charge Amount:	100.00
Job ID: Project ID: 2012-543 - 181 Congress St. - Micellaneous Appeal			
Additional Comments:			

Thank You for your Payment!