

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

Patrick Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

July 18, 2014

Re: 81 East Oxford Street – 022-I-001 & 004 – R-7 Compact Residential Overlay Zone

Dear Mr. Carroll & Mr. Adelson,

At the July 17, 2014 meeting, the Zoning Board of Appeals voted 4-0 to grant the Conditional Use Appeal for a nursery school to operate at 81 East Oxford Street. I am enclosing a copy of the Board's decision.

You will also find an invoice for the fees that are still owed for the legal ad and the notices for the appeal. Please submit your payment on receipt of this invoice. Your permit cannot be issued until your payment has been received.

You have six months from the date of the meeting, July 17, 2014, referenced under section 14-474(f) to obtain the building permit, or your 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,

A handwritten signature in black ink, appearing to read "Ann B. Machado", written over a horizontal line.

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: July 18, 2014
RE: Action taken by the Zoning Board of Appeals on July 17, 2014

Members Present: Sara Moppin (acting chair), Donna Katsiaficas (acting secretary), William Getz and Kent Avery

Members Absent: Chip Gavin, Gordon Smith and Eric Larsson

1. New Business

A. Conditional Use Appeal:

159 State Street, The Children's Nursery School, lessee, Tax Map 045, Block A, Lot 026, R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in part of the second floor of the building. Representing the appeal for the Children's Nursery School, the lessee, is Daniel Brouillette. **The Zoning Board of appeals voted 4-0 to grant the appeal to allow the nursery school to operate.**

B. Conditional Use Appeal:

75-87 Oxford Street & 35-41 Boyd Street, Portland Housing Development Corporation, buyer, Tax Map 022, Block I, Lots 001 & 004, R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in part of the first floor of the new building at this site. Representing the appeal is Mark Adelson, from the Portland Housing Authority, the owner. **The Zoning Board of appeals voted 4-0 to grant the appeal to allow the nursery school to operate.**

Enclosure:

Decision for Agenda from July 17, 2014
One DVD

CC: Mark Rees, City Manager
Jeff Levine, AICP, Director Planning & Urban Development
Alex Jaegerman, Planning Division
Mary Davis, Housing and Neighborhood Services Division

*Kent Avery
William Cuty,
Sara Moppin
Danna Katerfies*

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-7 Compact Urban Residential Overlay Zone
Nursery School

Conditional Use Application (R-6 Standards to apply)

DECISION

Date of public hearing: July 17, 2014

Name and address of applicant: Mark Adelson
Portland Housing Dev. Corp./Bayside Anchor Dev.
14 Baxter Blvd.
Portland, ME 04101

Location of property under appeal: 81 East Oxford Street

For the Record:

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

*Mark Adelson - Portland Housing Development Corporation
President + Director PITA*

Pat Carroll - Landscape Architect.

*Object Hains of Holm Ave. → wants dedicated parking spaces,
Present Campus is spread out, on street parking creates public
safety problems,*

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

Application, attached plans

Findings of Fact and Conclusions of Law:

This project is related to the proposed Bayside Anchor Project located at 81 Oxford Street, which entails new construction of 45 residential apartments, as well as consolidation of several existing community facilities. The applicant requests approval of use of part of this new facility for the existing Head Start program (currently at 58 Boyd Street) which serves primarily PHA residents. Approximately 1200 square feet will be used for the nursery school use.

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

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.

Yes No

Reason and supporting facts:

Program will be use primarily by residents of PHA. 75% of slots filled w/ PHA residents. 6 spaces for parking across st. These are normal business hours. Existing use - just being moved across the street.

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.

Yes No

Reason and supporting facts:

Indoor "trash" room for trash disposal

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 or other allowable uses in the zone.

Yes No

Reason and supporting facts:

Existing use being moved to the side of street. No change in impact.
Dedicated loading/unloading space

Conclusion: (check one) *mailed - Avery, second City*

Option 1: The Board finds that all relevant standards (1 through 3) described in section A above have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while all relevant standards (1 through 3) described in section A above have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that not all relevant standards (1 through 3) described in section A above have been satisfied and therefore DENIES the application.

Dated: *7-17-14*


Board Chair

Present SARA Moppin - Donna Kelsick - Acty Sec. - Bill Gatz -
Acty Chan
CITY OF PORTLAND, MAINE Karl Arvey

ZONING BOARD OF APPEALS

Absent Gordon Smith - Chip Givon - Eric Larsson

APPEAL AGENDA

6:30

The Board of Appeals will hold a public hearing on Thursday, July 17, 2014 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:

1. New Business

4-0
Granted

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R-7 overlay supposedly already

4-0
Granted

2. Adjournment

7:00