

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

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

### ZONING BOARD OF APPEALS DECISIONS FROM DECEMBER 7, 2017

**To:** City Clerk  
**From:** Christina Stacey, Zoning Specialist  
**Date:** December 8, 2017  
**RE:** Action taken by the Zoning Board of Appeals on December 7, 2017

**Attendance:** Kent Avery (chair), Donna Katsiaficas (secretary), Eric Larsson, Benjamin McCall and Joseph Zamboni present; Robert Bartels absent.

#### 1. New Business:

**A. Conditional Use Appeal:** 38 Portland Street, Scot Herrigel, owner, Tax Map 033, Block J, Lot 011, B-2b Community Business Zone: The applicant is seeking a Conditional Use Appeal under Section 14-391(f) to legalize one non-conforming dwelling unit. The existing building is legally a retail store on the first floor with storage on the second floor. The applicant has presented evidence showing that a dwelling unit has existed in the second floor building since before April 1, 1995 and, therefore, qualifies for a legalization under Section 14-391. The legalization requires a conditional use approval from the Zoning Board of Appeals because an objection from an abutter was received. Representing the appeal is the owner. *The Board of Appeals voted 4-1 to grant the Conditional Use Appeal to legalize one non-conforming dwelling unit.*

#### 3. Adjournment (meeting started at 6:33 PM; adjourned at 7:07 PM)

#### Enclosures:

1. DVD of 12/7/17 Meeting

cc: Jon Jennings, City Manager;  
Jeff Levine, Director Planning & Urban Development  
Tuck O'Brien, City Planning Director  
Mary Davis, Housing and Neighborhood Services Division  
Victoria Volent, Housing and Neighborhood Services Division