

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS



### APPEAL AGENDA

To: City Clerk  
From: Marge Schmuckal, Zoning Administrator  
Date: September 15, 2003  
RE: Action taken by the Zoning Board of Appeals on September 4, 2003.

The meeting was called to order at 7:00 p.m.

#### Roll call as follows:

Members present: Patric Santerre, Joseph Lewis, Nan Sawyer, John Thompson, Jr., William Hall acted as Secretary

Members Absent: Catherine Decker, Kimberly Boggiatto,

The Board of Appeals will hold a public hearing on Thursday, September 4<sup>th</sup>, 2003 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1: **Unfinished Business:**

2: **New Business:**

#### **A. Interpretation Appeal**

15-17 Grant Street, Attorney Thomas Jewell, representing Parkside Properties, owner (Tax Map #36-D-015 in the R-6 Zone). The Zoning Administrator determined that records indicate that approved use of the property is a 3-dwelling unit building, thus making the current use as 6-dwelling units a violation of §14-139(b)1 in the City of Portland Zoning Ordinance, which requires a minimum lot size of 6,000 s.f. for six units. The Applicant contends that a permit to allow conversion of the property from 3 to 6 dwelling units was obtained by a previous owner in the 1970s, and those records have been mislocated by both the city and previous owners. The Board granted this Appeal 4-1 (Joe Lewis voting against).

#### **B. Conditional Use Appeal**

1093 Washington Avenue, Steven and Ann Kremer, Purchser of the property (Tax Map #172-C-004 in the R-3 Zone). Applicant requests permission to change the use of the property from a single family with a home occupation daycare to 2-dwelling units, a Conditional Use permitted under §14-88(a)2 of the City of Portland Zoning Ordinance. The Board granted this Appeal 5-0.

#### **C. Practical Difficulty Variance Appeal**

805 Stevens Avenue, Susan Quimby, Purchaser of the property (Tax Map #146-D-009 in the B-2 Zone). The Applicant is requesting relief from §14-185(a)2 of the City of Portland Zoning Ordinance, which requires 10,000 s.f. for non-residential use, as property is 7,049 s.f., in order to operate the property as a professional office. The Board granted this Appeal 4-0-1 (Joe Lewis abstained).

#### **D. Variance Appeal**

22 Bramhall Street, Sebago Technics representing Maine Medical Center, owner of the property (Tax Maps 053-G-1&13 in the R-6 Zone). The Applicant is requesting relief from §14-139(g) of

the City of Portland Zoning Ordinance, which limits building height to 45'. The Applicant requests approval to construct a new 192,000 s.f. Obstetrics and Newborn Center (known as the Charles Street addition) on Charles Street, bounded by Ellsworth, Crescent and Wescott Streets, to a maximum height of 94'. The Board granted a postponement 5-0.

**E. Variance Appeal**

22 Bramhall Street, Sebago Technics representing Maine Medical Center, owner of the property (Tax Maps 053-D-1&2 and 053-E-1&2 in the R-6 Zone). The Applicant is requesting relief from §14-139(g) of the City of Portland Zoning Ordinance, which limits building height to 45'. The Applicant requests approval to construct a new 512-space parking garage east of the current garage on Congress Street and connected to both the existing garage and the hospital, to a maximum height of 66'. The Board granted a postponement 5-0.

**F. Practical Difficulty Variance Appeal**

22 Bramhall Street, Sebago Technics representing Maine Medical Center, owner of the property (Tax Maps 053-D-1&2 and 053-E-1&2 in the R-6 Zone). The Applicant is requesting relief from §14-139(d)1 of the City of Portland Zoning Ordinance, which requires a front yard setback of 10'. The Applicant requests approval to construct a new 512-space parking garage east of the current garage on Congress Street and connected to both the existing garage and the hospital, at a front setback of 0'. The Board granted a postponement 5-0.

**3: Other Business:**

Election of Officers: The Board decided to elect officers at their training session on September 11, 2003.

**4. Adjournment:**

The meeting was adjourned at 10:05 pm.

**Enclosure:** Agenda of September 4, 2003  
2 Standard size tapes

**CC:** Joseph Gray, City Manager  
Mark Adelson, Housing & Community Services  
Alex Jaegerman, Planning Department  
Lee Urban, Planning & Development Director

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Patric Santerre, Chair  
Catherine Decker, Secretary  
Nan Sawyer  
Joe Lewis  
Kimberly Boggiatto  
William Hall  
John A. Thompson, Jr.

September 15, 2003

Thomas Jewell  
477 Congress St. Suite 1104  
Portland, ME 04101

RE: 15-17 Grant Street  
CBL: 036-D-015  
ZONE: R-6

Dear Attorney Jewell,

As you know, at its September 4, 2003 meeting, **the Board of Appeals voted 4-1 to Grant your Interpretational Appeal regarding approved usage as a 6-unit.** The Board found that a permit had most likely been issued for such a Change of Use in the past.

Enclosed you will find a copy of the Board's decision. I am also enclosing an invoice for payment.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,

Karen Dunfey  
Inspection Services