

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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June 7, 1982

36-F-8

Mr. James Oliver
Portland West Neighborhood Planning Council
155 Brackett Street
Portland, Maine 04102

RE: Appeal at 12-14 Sherman Street

36-F-8

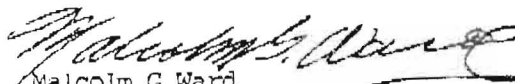
Dear Mr. Oliver:

See Attached
Appeal Papers
Showing
Approvals

Following is the decision of the Board of Appeals regarding your petition to change the use of the building from a non-profit social and recreational facility to apartments, and non-profit social and recreational facility at the above named location. Please note that your appeal was granted.

Also, before your permit can be issued, you must pay the permit fee itself. Please make all check payable to the City of Portland.

Very truly yours,


Malcolm G Ward
Zoning Enforcement Officer

MGW/t

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SPACE AND BULK VARIANCE APPEAL

1. Findings of Fact

- A. Applicant Portland West Neighborhood Planning Council
- B. Property Location 12-14 Sherman Street
- C. Applicant's Interest in Property:
- ☒ Owner
☐ Tenant
☐ Other
- D. Property Owner same
c/o James Oliver
- E. Owner's Address 155 Brackett St., Portland, Me. 04102
- F. Zone (Circle One):
- R-1 R-2 R-3 R-5 R-6 R-4
- R-P B-1 B-2 B-3 A-B
- I-P I-1 I-2 I-2b I-3 I-3b I-4
- RPZ W-1
- G. Site Plan Approval required _____
- H. Present Use of Property Community Building
- I. Section(s) to Which Variance Related 602.14.B.1
- J. Reasons Why Permit Cannot be Issued 2 off-street parking spaces will not be provided as required
- K. Requested Variance Would Permit change of use from non-profit social and recreational facility to 5 apartments on the 1st and 2nd floor, and non-profit social and recreational facility in the basement.
- L. Notice Sent to _____ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

B. Those Opposing Variance

Mr Keane - architectPaul Walker - housing consultantJames Oliver - PWA/PCMr Kelly - lawyer

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings, of fact, etc. presented to the Board as part of its records)IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

☒ Yes/Agreement with statement☐ No/Disagreement with statementReasons no physical space for parkingB. If yes, the unique physical conditions: (Check One)
Sec. 602.24C 3.b.(1) (b)☒ Existed at the time of the enactment of the provision from which a variance is sought: or☐ Were caused by natural forces; or☐ Were the result of governmental action

- C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

☒ Yes/Agreement with statement

☐ No/Disagreement with statement

Reasons No way to provide parking. This is true of
most units on the street.

- D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

☒ Yes/Agreement with statement

☐ No/Disagreement with statement

Reasons _____

- E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec. 602.24C 3.b. (1) (e)

☒ Yes/Agreement with statement

☐ No/Disagreement with statement

Reasons _____

V. Specific Relief Granted

After a public hearing held on June 3, 1982 the Board of Appeals finds that: (Check One)

- ☒ Approval - All of the conditions required by Sec. 602.24C 3.b.(1) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) _____

- () Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

Gail D. Zayac Chairman
Jacqueline Loh
Edward J. Martin
Merrill K. Kibb
Tracy L. Stahl

