

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director, Planning Department



RECEIVED

NOV 19 2012

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Dept. of Building Inspections.
City of Portland Maine

Applicant Information:

Neil Reiter
NAME
227 RESTAURANT GROUP
BUSINESS NAME
PO Box 275
ADDRESS
Brooklin, Maine 04616
TELEPHONE #
207-359-4950
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg: owner, purchaser, etc)
Lessee
CURRENT ZONING DESIGNATION
B-1 Neighborhood Business
EXISTING USE OF PROPERTY:
Ground floor is unused/vacant
Upper level is residential

Subject Property Information

227 York Street, Portland, ME
PROPERTY ADDRESS
Tax Map 044 E002
Book & Page 28620/234
CHART/BLOCK/LOT (CBL.)
PROPERTY OWNER (if different)
NAME
A BETTER MAINE LLC
ADDRESS
PO Box 15414
Portland, ME 04112
CONDITIONAL USE AUTHORIZED BY
SECTION 14 - 163
TYPE OF CONDITIONAL USE
PROPOSED:
Ground-floor Restaurant
(fine dining)

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*
2. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*
3. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

November 19, 2012
DATE

REITER ARCHITECTURE & DESIGN

Lauren J. Reiter, Architect LEED™ AP

November 19, 2012

Dept. of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Re: Conditional Use and Zoning Variance Applications for 227 York Street, Portland, ME

Dear Dept. of Planning and Urban Development,

Enclosed herein is our application for the Conditional Use of 227 York Street for a ground-floor restaurant, currently known as "York Street Restaurant". Also enclosed is the application for a Variance to exempt the proposed business from off-street parking requirements. Consistent with Land Use Chapter 14/ City of Portland Code of Ordinances, Section 14-474, we are submitting the required applications and supporting documents.

227 York Street is zoned as B-1 Neighborhood Business. In this zoning category, and consistent with Sec. 14-163 Conditional Use, restaurants are allowed if the following criteria are met:

- Max. floor area of 1000 SF: *York Street Restaurant ground floor = 844 SF*
- Hours of operation limited to between 6:00 am to 11:00 pm: *York Street Restaurant hours are planned to be from 6:30 am to 11:00 pm*
- Primary function is food service & consumption: *York Street Restaurant's primary purpose is the serving of fine cuisine.*
- No drive-through service: *York Street Restaurant will not have a drive-through.*
- Peak hour vehicle trips under 100 per 2000 SF: *York Street Restaurant, based on its size and capacity, expects to generate less than 25 peak hour vehicular trips.*

Should the Conditional Use be granted, Sec. 14-166 Other Requirements indicates that off-street parking is required. (Per Div. 20, Sec. 14-332, three spaces for approx. 430 SF of public space would be required). A Variance for exemption from this requirement is requested – and supported in the attached application - as on-site parking is not feasible and public parking lots are distant from the site.

The proposed fine-dining restaurant at the ground floor level of 227 York Street will provide a positive impact on the neighborhood, converting a vacant and desolate space to one that will invigorate street-life and provide convenient opportunities for the neighborhood. As such, its impact on the health, safety and welfare of the public is entirely positive.

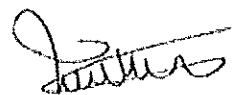
Please note that we request that this conditional use and variance is approved for a 2-year period, as our initial start date is not yet determined. Also, please note that Stella Hernandez is authorized to represent this project and may provide any or all responses as needed. Ms. Hernandez's contact number is: 207-415-7447.

We look forward to receiving your comments on these applications and appreciate the time taken to review them.

Sincerely,



Lauren J. Reiter, Project Architect
Principal, Reiter Architecture & Design
Tel. 207-359-2300



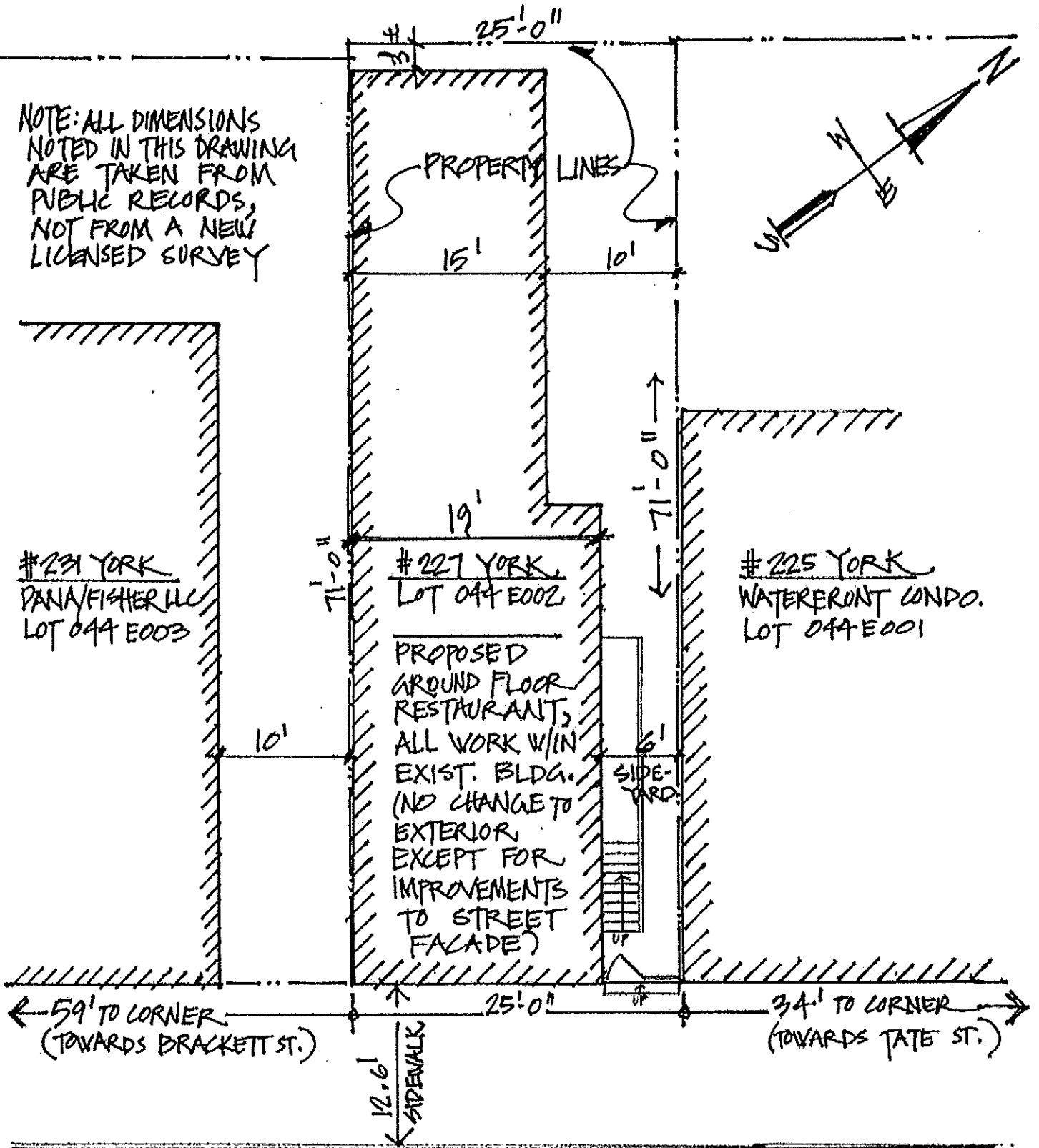
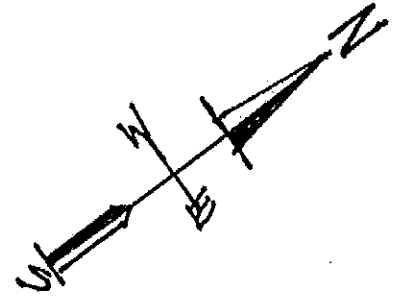
Neil A. Reiter, Principal / Lessee
227 RESTAURANT GROUP
Tel. 207-359-4950

ATTACHMENTS

Conditional Use and Zoning Variance Applications for 227 York Street, Portland, ME
November 19, 2012

1. Plot Plan
2. Assessor's Plan
3. Owner's Letter
4. Aerial Photo with Public Parking distances
5. Proposed Plan (reduced size)
6. Existing Conditions Photo
7. Existing Condition Photos
8. Full-scale Proposed Plan

NOTE: ALL DIMENSIONS NOTED IN THIS DRAWING ARE TAKEN FROM PUBLIC RECORDS, NOT FROM A NEW LICENSED SURVEY



YORK STREET
PAVED ~ PUBLIC 66' WIDE

227 YORK STREET, PORTLAND, ME PLOT PLAN
1' = 10'-0" November 19, 2012 Reiter Architecture & Design

A BETTER MAINE LLC

November 16, 2012

Dept. of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Re: Lessee at 227 York Street, Portland Maine

To Whom It May Concern:

As Manager of A BETTER MAINE LLC, owners of property located at 227 York Street, Portland, Maine, 04102, I certify that Neil Reiter, Principal of 227 RESTAURANT GROUP, has entered into a lease agreement for the above-referenced property, and therefore has the right to develop and make improvements at this property.

Sincerely,

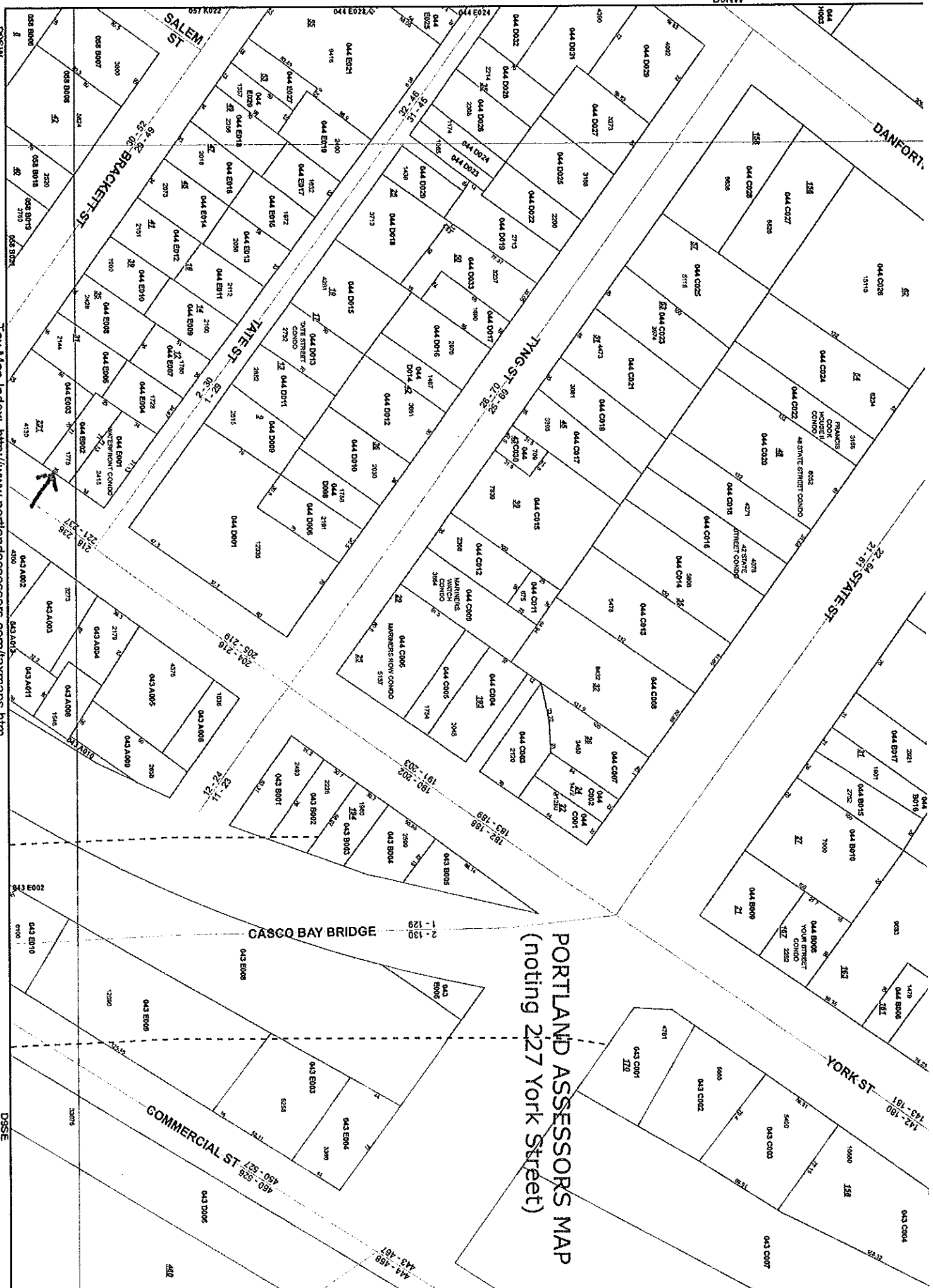
DocuSigned by:

Tom Landry

62DAD978CA88470...

Tom Landry, Manager
A BETTER MAINE LLC

PORTLAND ASSESSORS MAP
(noting 227 York Street)



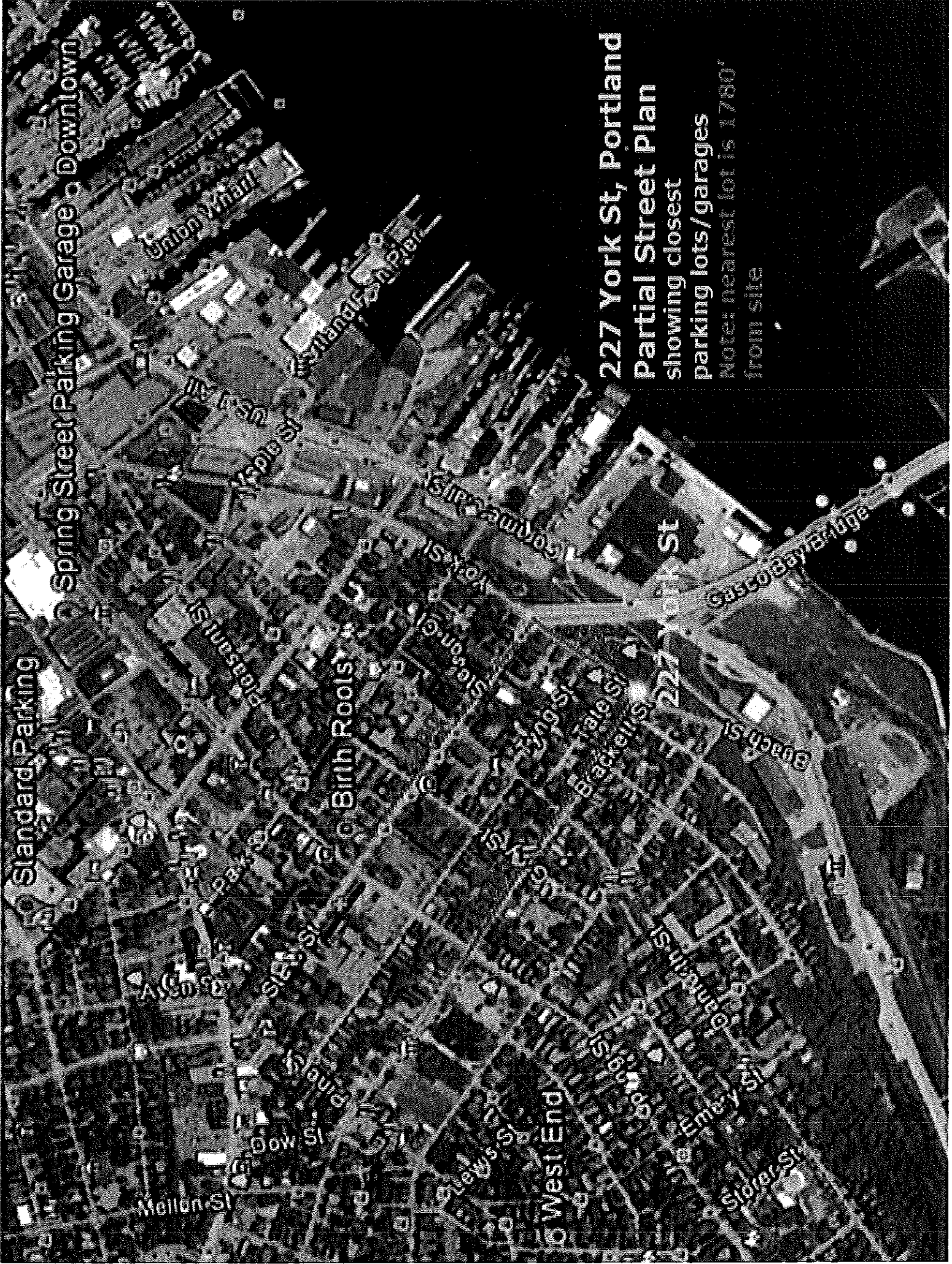
April 1 2012 fy 2013

Tax Map Index: <http://www.portlandassessors.com/taxmaps.htm>

D9SW

D9SE

D9NW



227 York St, Portland
Partial Street Plan
showing closest
parking lots/garages
Note: nearest lot is 1780'
from site

Standard Parking

Spring Street Parking Garage - Downtown

Mellan St

Dow St

Birnh Roolls

West End

227 York St

Partial Street Plan

showing closest

parking lots/garages

Note: nearest lot is 1780'

from site

Casco Bay Bridge

Storez St

Spaulding St

227 York St

West End

Brackell St

Tale St

Storace St

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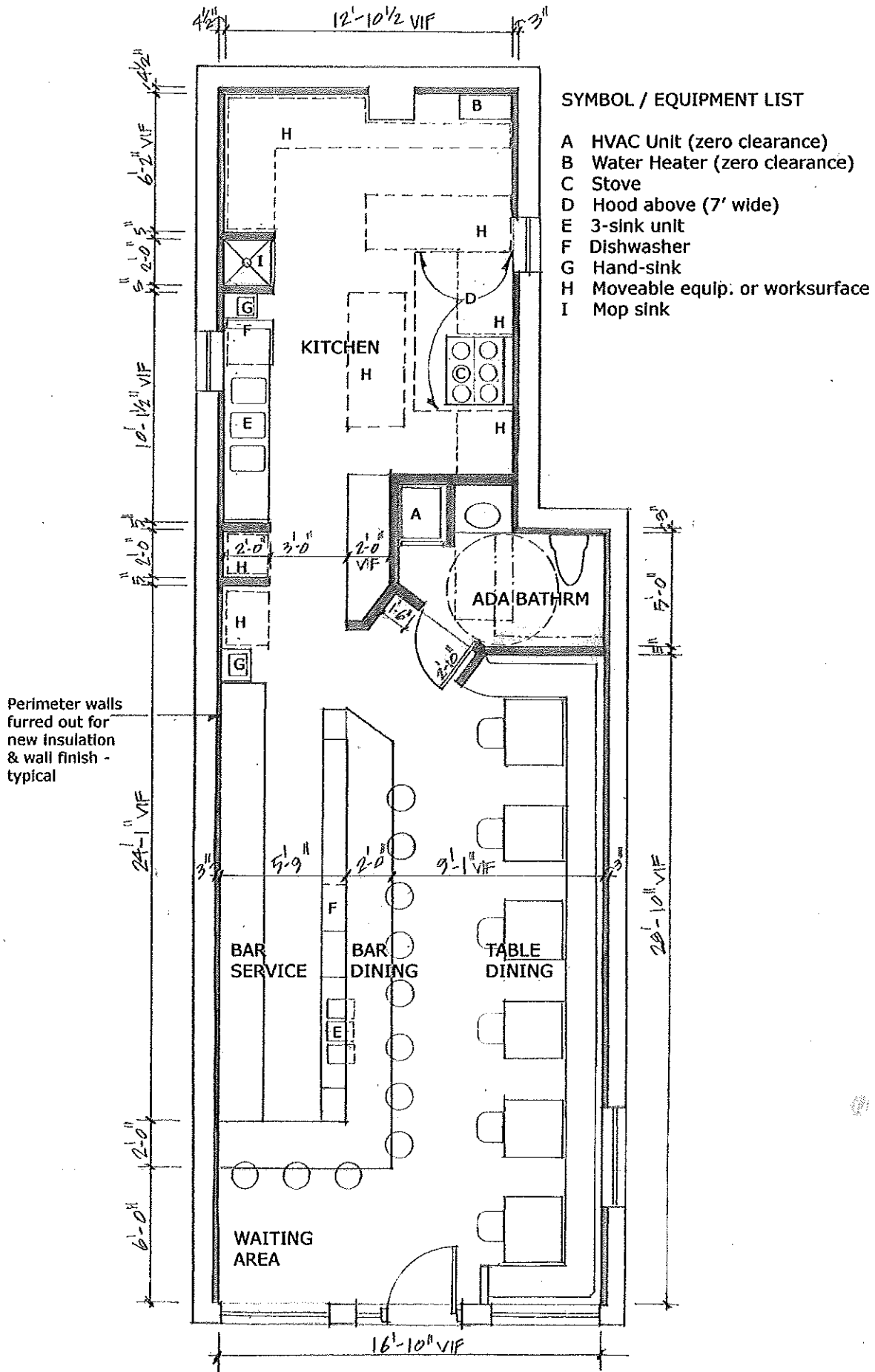
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YORK ST. RESTAURANT / PROPOSED PLAN
 227 York Street, Portland Maine 11/19/12
 1/4"=1'-0" (@ 11x17) Reiter Architecture & Design



Residential floor

**Side yard of
231 York**

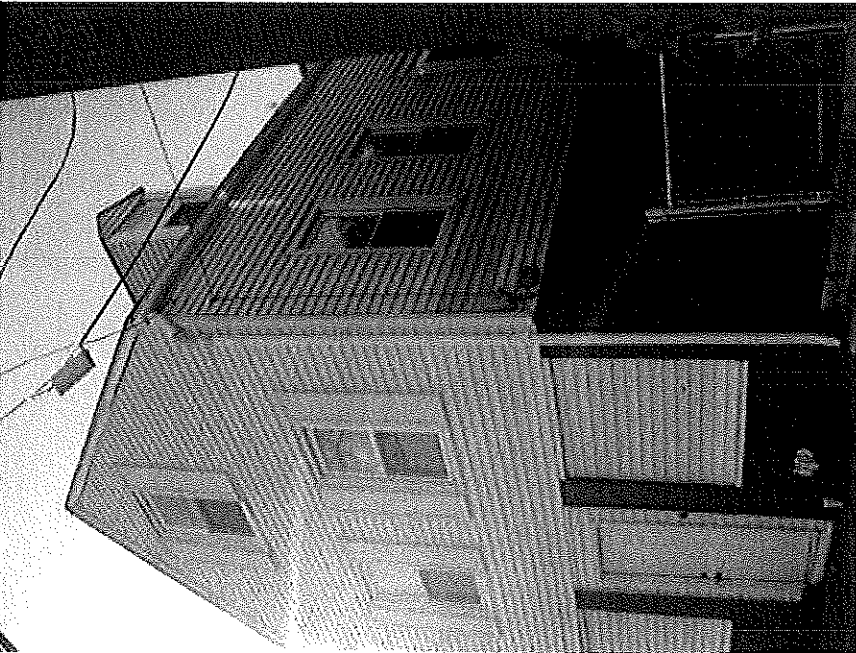
**boarded-
up window**

**ground
floor
entrance**

**boarded-
up window**

**Side yard /
resid. entry of
227 York**

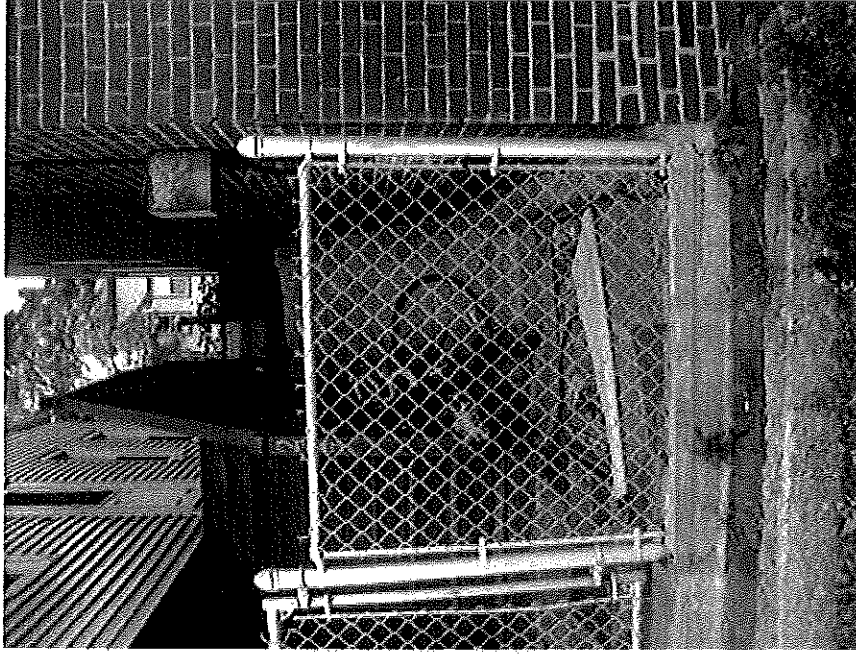
227 York Street, Portland, Maine
Existing Conditions November 2012



Street Facade & Side-yard Entry



Sidewalk View (looking towards #231)



Side-yard Entry (to residential floor)

Existing Conditions Photos of 227 York Street November 2012