

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director Planning & Urban Development



RECEIVED

JAN 22 2013

CITY OF PORTLAND
ZONING BOARD OF APPEALS

Dept. of Building Inspections
City of Portland Maine

Miscellaneous Appeal Application

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 Floor is residential

SUBJECT PROPERTY INFO:

227-229 York Street

PROPERTY ADDRESS

Tax map 044 E002

Book & Page 28620/234

CHART/BLOCK/LOT (CBL)

PROPERTY OWNER INFO (If Different):

A BETTER MAINE LLC

NAME PO Box 15414

Portland, ME 04112

ADDRESS

Appeal pertains to Section 14: -334.

PAST USE (if different)

BASIS FOR APPEAL AND RELIEF REQUESTED:

Conditional Use of ground floor as restaurant requires three (3) off-site parking spaces. Existing lot is virtually incapable of accomodating parking (only one side yard @ 6' wide, used for residential entrance). Five year (renewable option) lease providing 3 off-street parking spaces has been secured at 193 York Street, which is less than 400' via line of public access from proposed restaurant (see attached Assessors Plan showing both locations with noted distance between). See attached lease dated 11 January 2013.

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

The undersigned hereby makes application for an appeal 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

January 11, 2013

DATE

LEASE AGREEMENT

Date: 11 January 2013

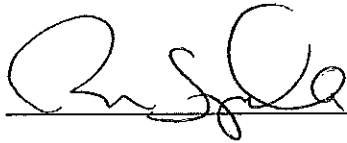
Re: Parking Spaces for new restaurant at 227-229 York Street

We, the owners of 193 York St, Portland Maine agree to provide three (3) off-street parking spaces in the lot at 193 York St Portland to 227 RESTAURANT GROUP, for use by cars associated with the new restaurant at 227-229 York Street, Portland Maine.

This lease shall remain in effect for five (5) years, with an option to renew for an additional five (5) years, upon the end of this lease period.

Terms of this lease are One Dollar (\$1) per year.

Owners of 193 York St:



Date:

1/14/13

(Leaping Fish LLC)

(Ron Spinella)



Jan. 11, 2013

227 RESTAURANT GROUP:

Date:

(Neil Reiter)

DNW6

DANFORTH

21-24 STATE ST

YORK ST

PORTLAND ASSESSORS MAP
(noting 227 York Street)

CASCO BAY BRIDGE

COMMERCIAL ST

SALEM ST

51-52 BRACKET ST

TATE ST

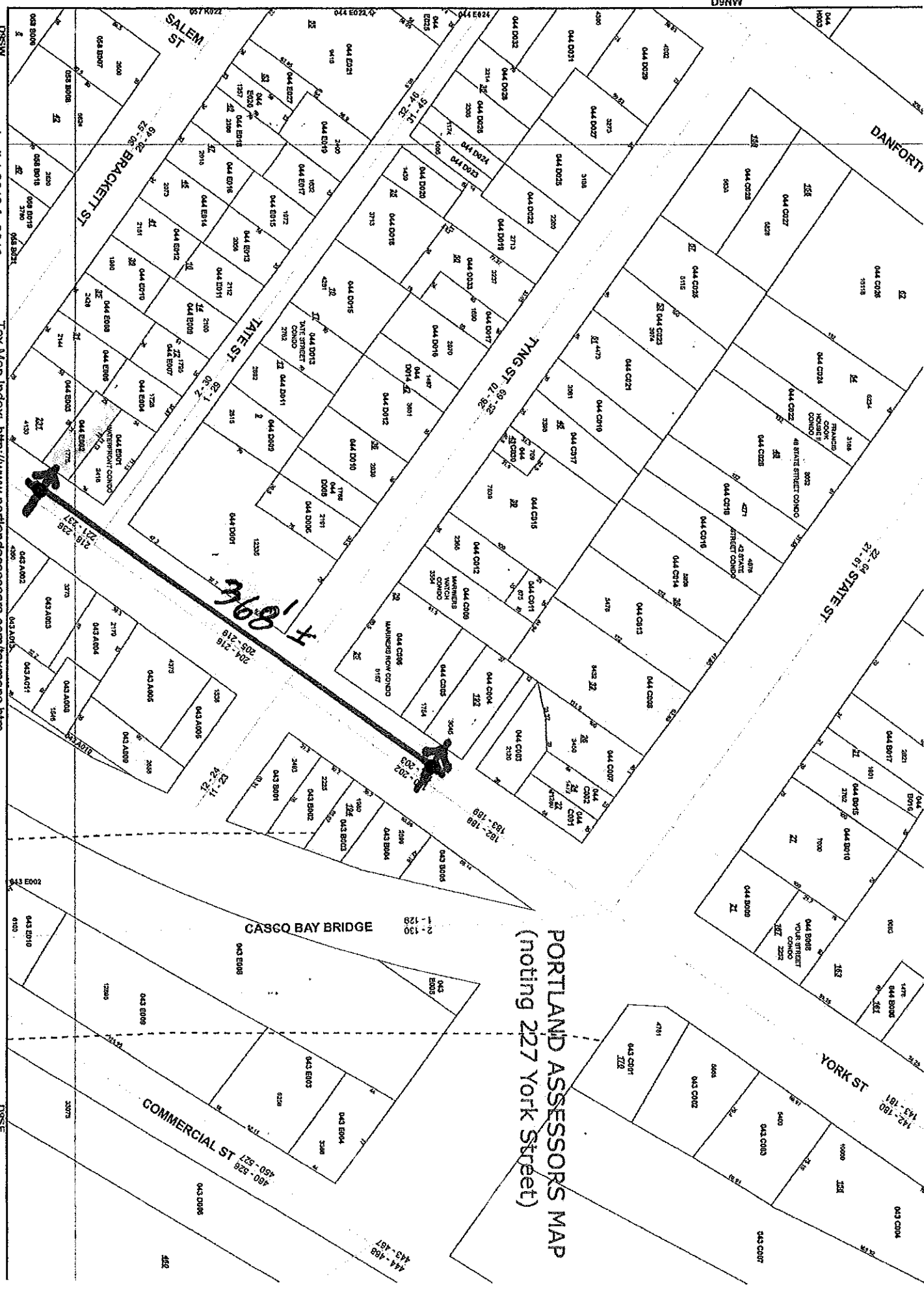
TING ST

DSSW

April 1 2012 to 2013

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

DSSS



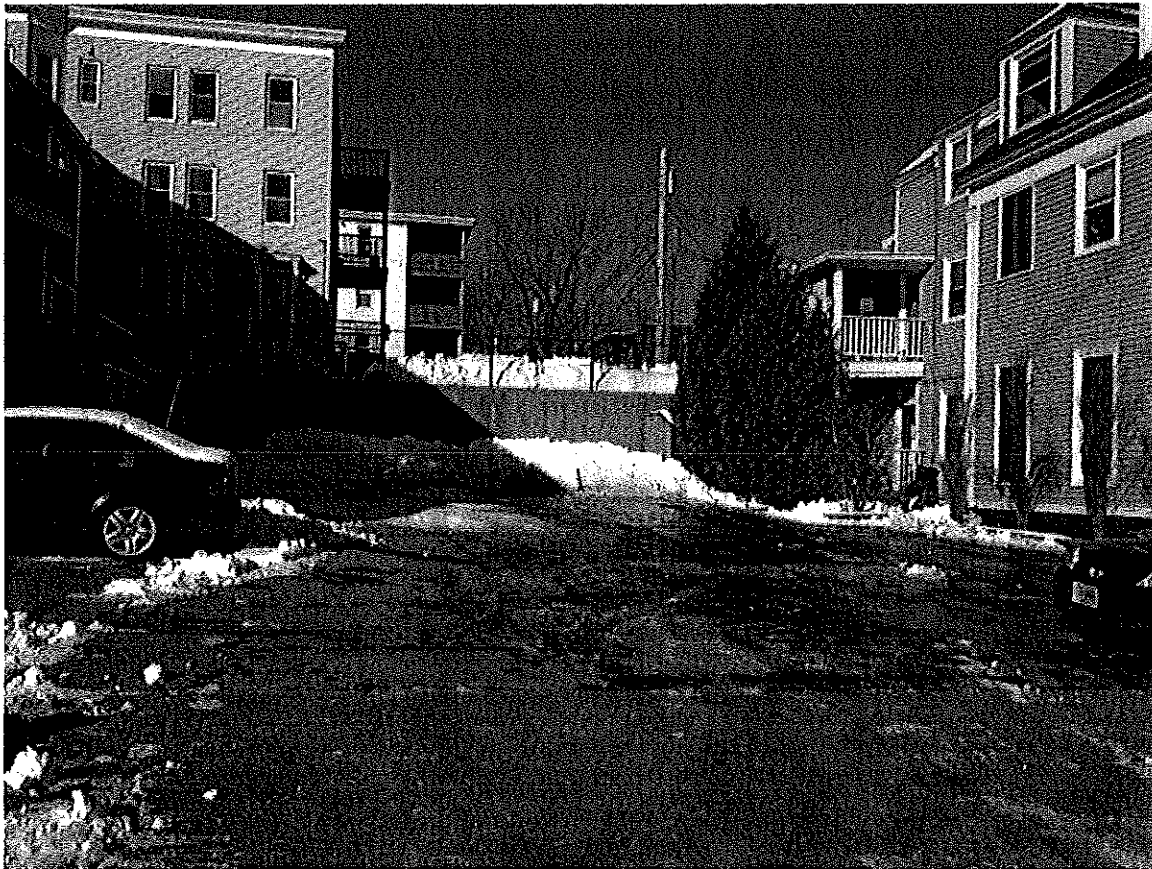


Photo of parking lot fronting York Street and 368 feet from 227 York Street.

REITER ARCHITECTURE & DESIGN

Lauren J. Reiter, Architect LEED™ AP

January 18, 2013

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

Re: Miscellaneous Appeal Application for 227 York Street, Portland, ME

Dear Dept. of Planning and Urban Development,

Enclosed herein is our Miscellaneous Appeal application for 227 York Street, as a corollary to our already-submitted Conditional Use application of 227 York Street for a ground-floor restaurant.

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). The lot of 227 York Street is physically incapable of providing off-street parking, as it has one side-yard of six foot width (insufficient width), which is used as the primary entrance to the residential unit of the property.

This Miscellaneous Appeals application pertains to Section 14-334 of the City of Portland Code of Ordinances, which notes that off-street parking may be accepted when it is "no more than 1500 feet from the principal building or use site measured along lines of public access" and that the premises to be used for parking shall be owned or leased for a term of not less than five years with an option to renew. Both of these terms are met by this application.

This Miscellaneous Appeals application shows provision of off-site parking on a lot located at 193 York Street - approximately 368 feet from the proposed restaurant - see attached Assessor's map. A lease has been secured with the owner of 193 York Street, for the term of five years, with an option to renew - see attached lease dated January 11, 2013. A photograph of the lot is attached for additional information.

Please note that we request that the Conditional Use and Miscellaneous Appeals application 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 this application and appreciate the time taken to review it.

Sincerely,

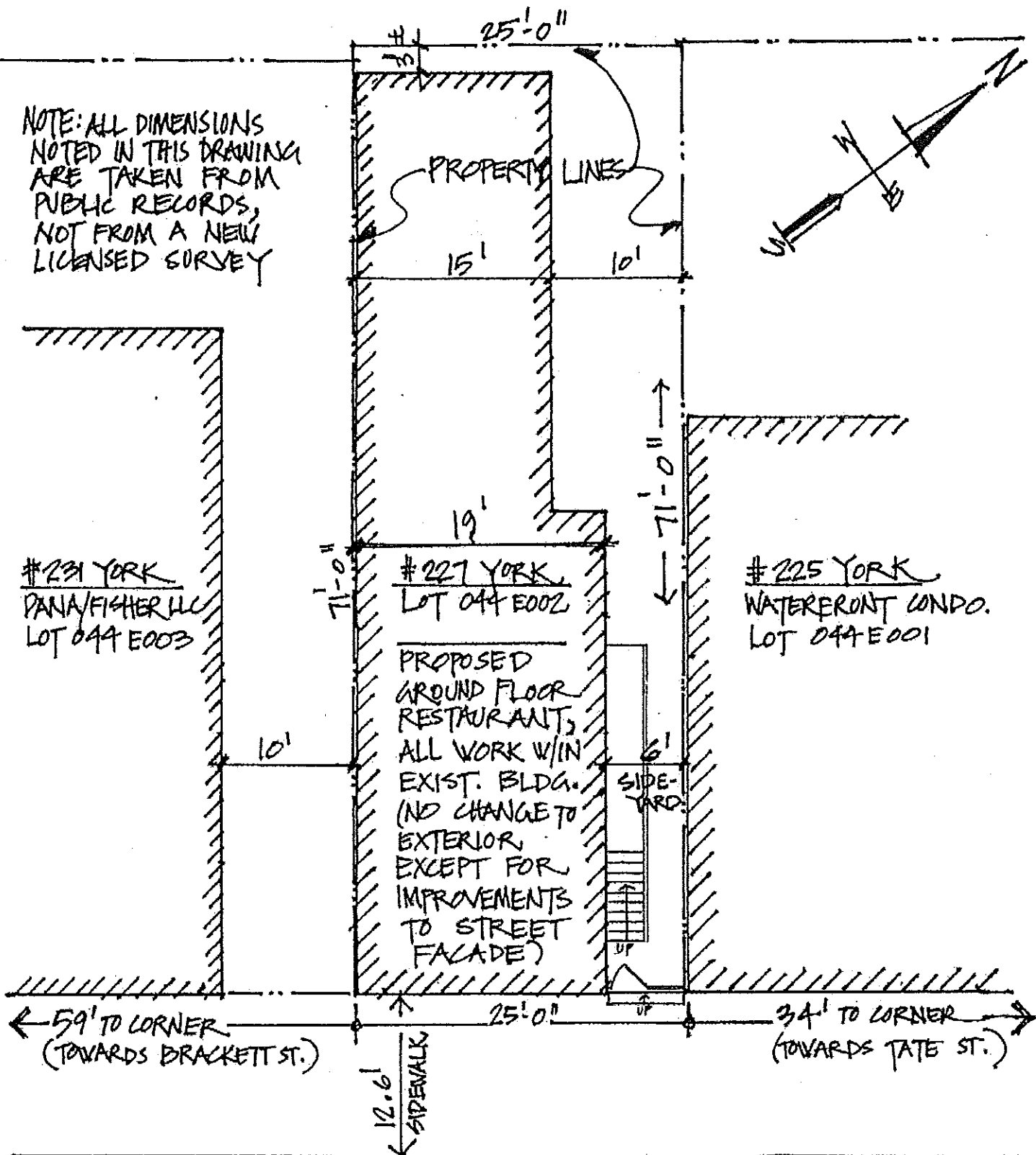


Lauren J. Reiter, Project Architect
Principal, Reiter Architecture & Design
Tel. 207-359-2300



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

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

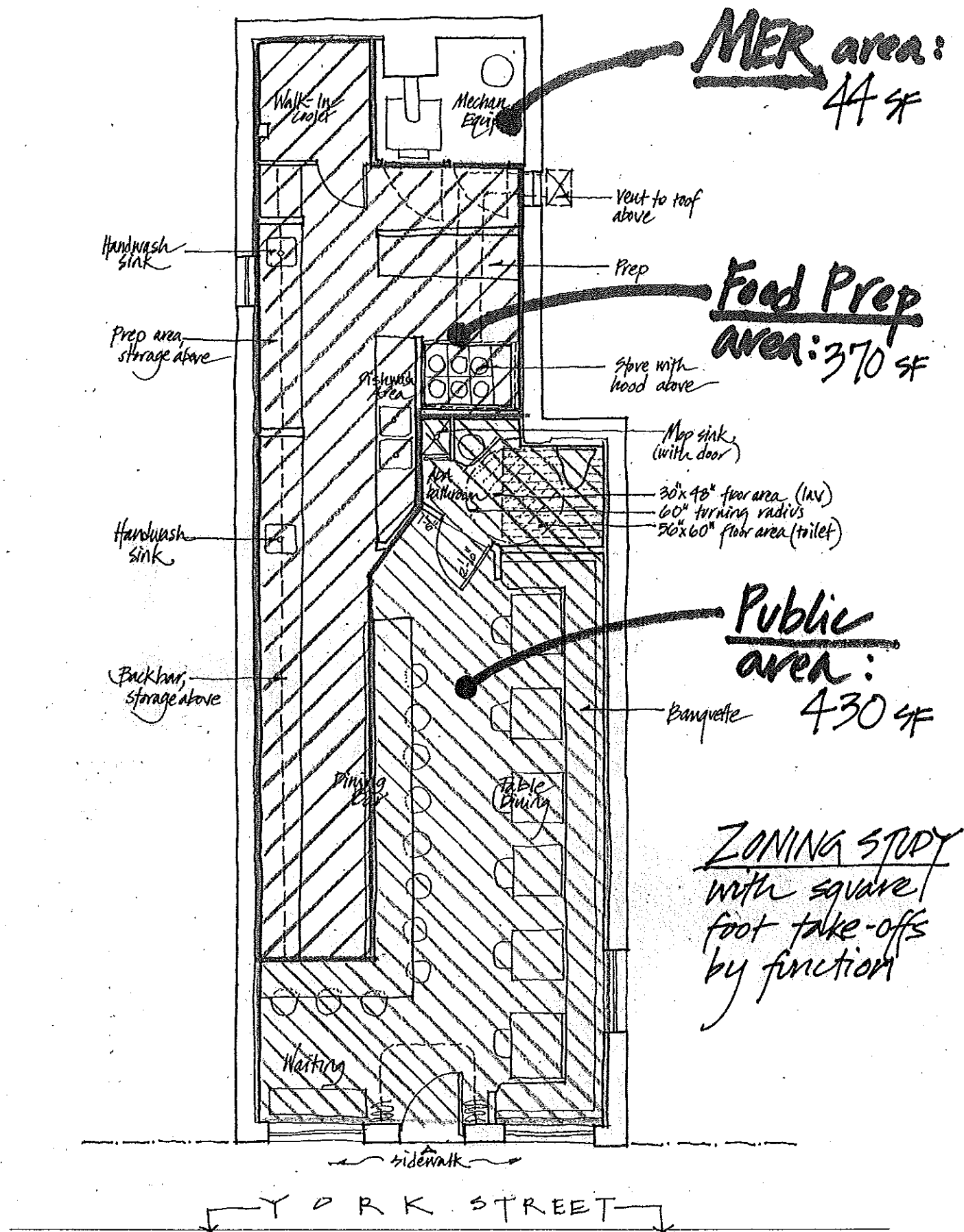


227 YORK STREET, PORTLAND, ME PLOT PLAN

1' = 10'-0"

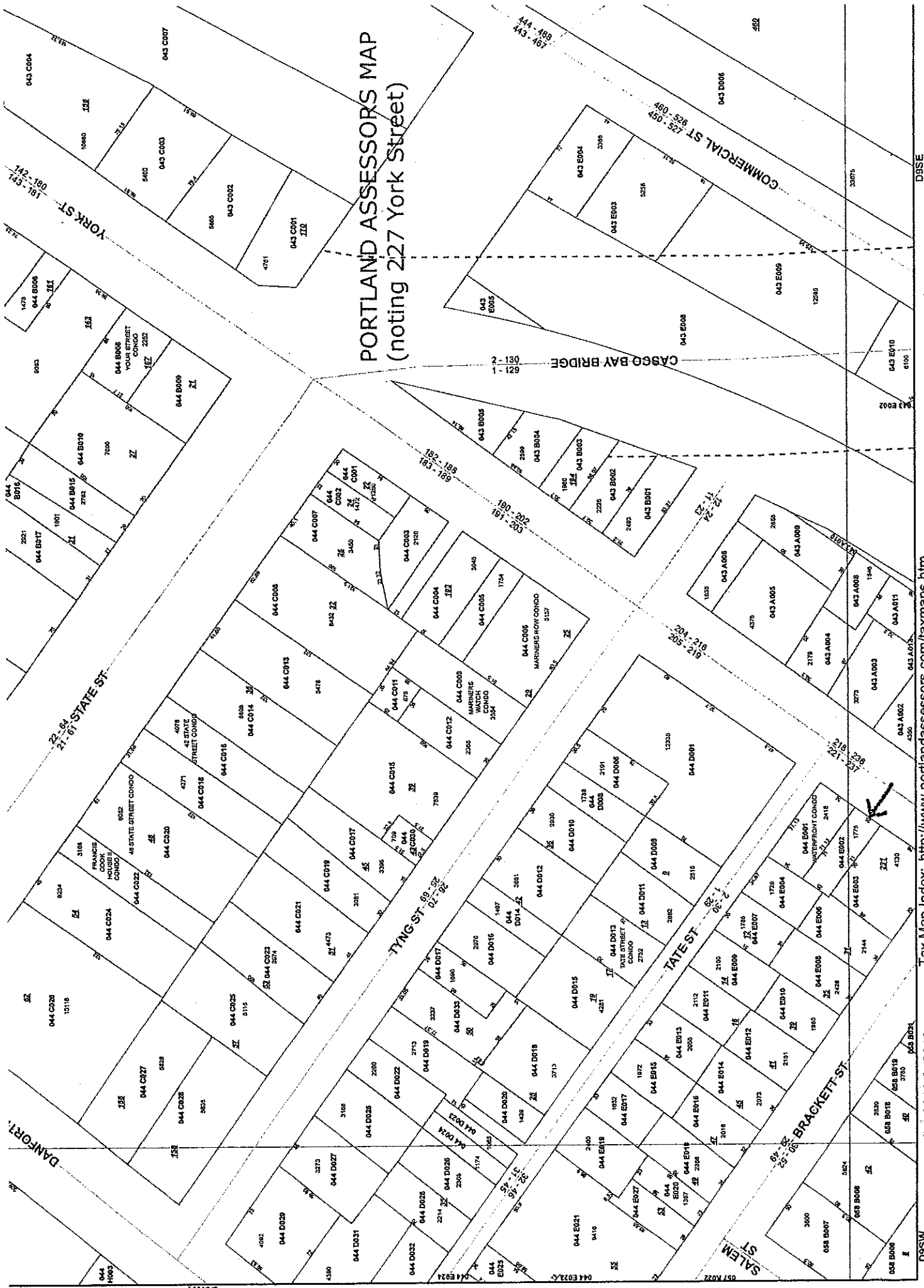
November 19, 2012

Reiter Architecture & Design



York St. Restaurant / Concept Plan for preliminary review
 1/4" = 1'-0" date: 10-23-12 Reiter Architecture & Design

PORTLAND ASSESSORS MAP
(noting 227 York Street)





Residential floor

Side yard of
231 York

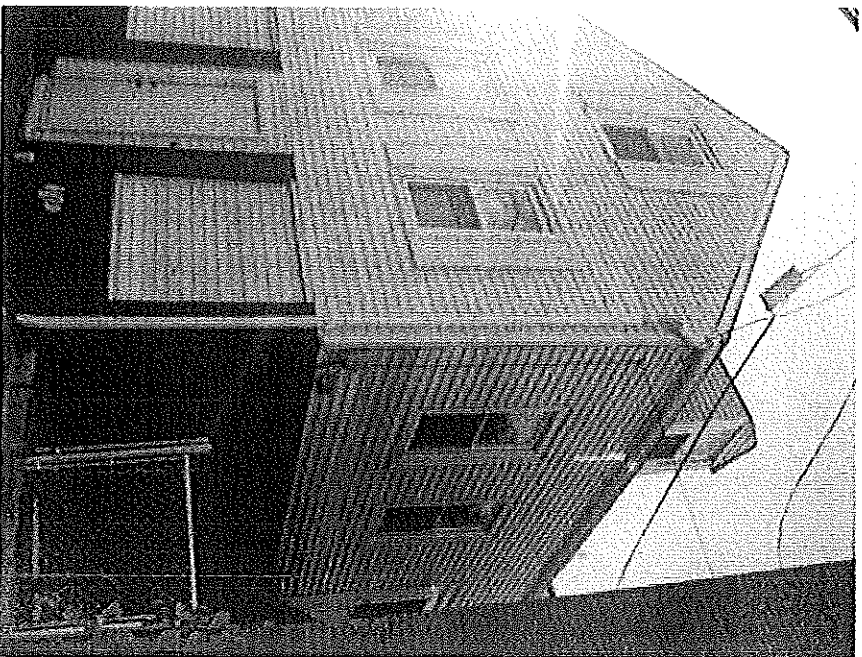
boarded-
up window

ground
floor
entrance

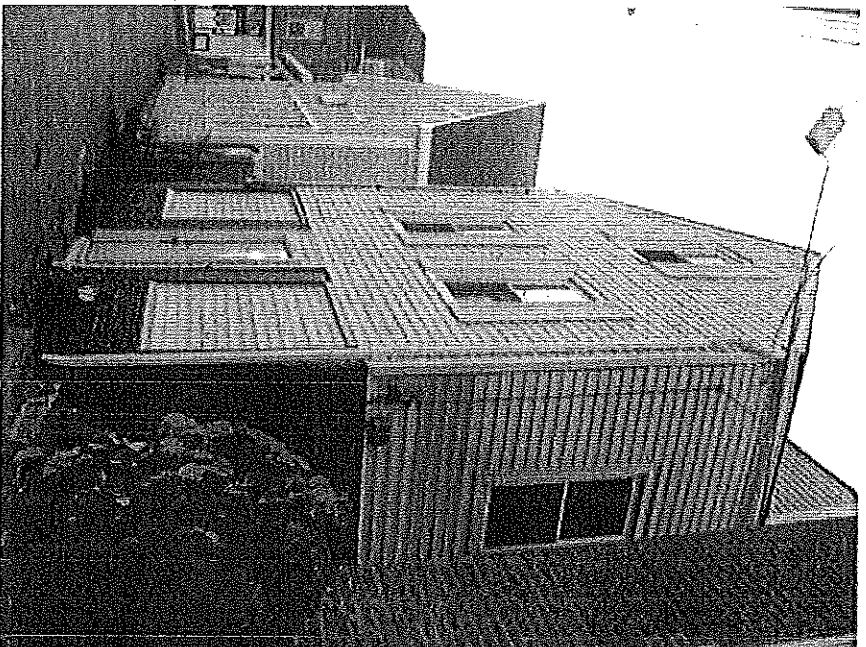
boarded-
up window

Side yard/
resid. entry of
227 York

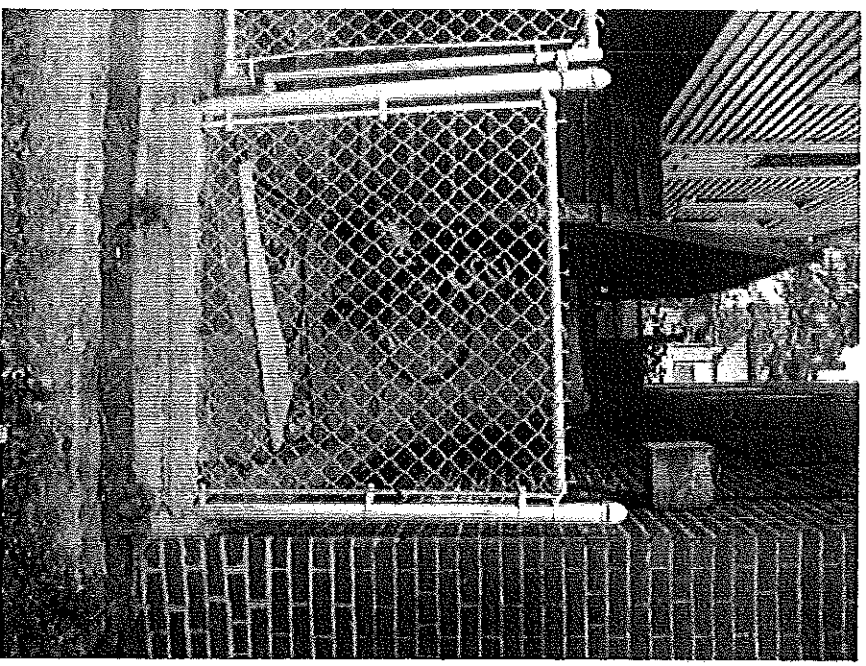
227 York Street, Portland, Maine
Existing Conditions November 2012



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

A BETTER MAINE LLC

November 16, 2012

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

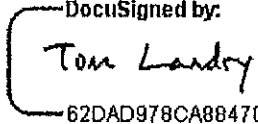
Re: Lessee at 227 York Street, Portland Maine

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:

A handwritten signature in cursive script that reads "Tom Landry".

62DAD978CA88470...

Tom Landry, Manager
A BETTER MAINE LLC