

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING INSPECTION PERMIT

Permit Number: 090205

This is to certify that GODUTE ELEANOR J & JOHN H WALKER ETAL TRS/Goduti B
has permission to Change of use from Medical offices to Professional offices
AT 9 DEERING ST CBL 046 B023001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in. 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS
Fire Dept. *Sperry 202*

Health Dept _____
Appeal Board _____
Other _____

Director of Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

PERMIT ISSUED

SEP 2 2009

City of Portland

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-0205	Issue Date: 3/	CBL: 046 B023001
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Location of Construction: 9 DEERING ST	Owner Name: GODUTI ELEANOR J & JOHN H	Owner Address: PO BOX 31	Phone:
Business Name:	Contractor Name: Goduti Building Co Inc.	Contractor Address: 9 Deering St. Portland	Phone 2077763768
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: R-6

Past Use: Medical office space - 1st floor	Proposed Use: Professional Space - Change of use from Medical offices to Professional offices <i>first floor</i>	Permit Fee: \$105.00	Cost of Work: \$105.00	CEO District: 2
Proposed Project Description: Change of use from Medical offices to Professional offices (first floor) <i>four</i>		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>w/conditions</i> <i>9/2/09</i>		
		INSPECTION: Use Group: <i>R-2/B</i> Type: <i>SB</i> <i>IBC-2003</i>		
		Signature: <i>[Signature]</i> Signature: <i>[Signature]</i> PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

Permit Taken By: Ldobson	Date Applied For: 03/17/2009	Zoning Approval
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> <i>Ok w/ conditions</i> Date: <i>3/17/09</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <i>4-0</i> <input type="checkbox"/> Denied Date: <i>3/17/09</i>	Historic Preservation <i>yes</i> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

PERMIT ISSUED

_____ SIGNATURE OF APPLICANT	_____ ADDRESS	_____ DATE	_____ PHONE
_____ RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	_____ DATE	_____ PHONE	

SEP 2 2009
 City of Portland

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-0205	Date Applied For: 03/17/2009	CBL: 046 B023001
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Location of Construction: 9 DEERING ST	Owner Name: GODUTI ELEANOR J & JOHN H	Owner Address: PO BOX 31	Phone:
Business Name:	Contractor Name: Goduti Building Co Inc.	Contractor Address: 9 Deering St. Portland	Phone: (207) 776-3768
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Professional Space - Change of use from Medical offices to four Professional offices (first floor)	Proposed Project Description: Change of use from Medical offices to four Professional offices (first floor)
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 03/17/2009

Note: See Marg'e's memo to the ZBA dated January 29,2009 for why a change of use was required. **Ok to Issue:**

- 1) The requirements for professional offices as a conditional use must be maintained at all times or the conditional use is lost.
- 2) With the issuance of this permit and the certificate of occupancy, the legal use of this property is four professional offices on the first floor and four dwelling units on the second and third floors. Any change of use shall require a separate permit application for review and approval.

Dept: Building **Status:** Approved **Reviewer:** Tammy Munson **Approval Date:** 11/04/2009

Note: **Ok to Issue:**

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Ben Wallace Jr. **Approval Date:** 09/02/2009

Note: **Ok to Issue:**

- 1) A fire department Knox Box is required.
- 2) Boiler protection is required.
- 3) Transom windows are not permitted into egress (3rd floor).
- 4) Basement and stair walls and ceilings shall be repaired/ maintained.
- 5) One-hour fire doors are required on the third floor units and separating the front and rear stairs. Other doors shall be smoke proof and self-closing.
- 6) A separate Fire Alarm System Permit is required.
- 7) Fire alarm heat detectors required in non-egress rooms.

Comments:

3/19/2009-gautreaux: A fire inspection of this property needs to be done. In hold basket--CSH

10/22/2009-amachado: Marge found this permit in the hold basket. Chris had put it there pending an inspection from fire. Ben Wallace signed off on permit for fire in urban insight on 9/2/09, but did not sign off on the card. Fire needs to sign off on the card and move it forward to the plan reviewer/Jeanie's basket.

PERMIT ISSUED

SEP 2 2009

City of Portland

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

 X **Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.**
NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.

Signature of Applicant/Designee

Date

Signature of Inspections Official

Date

PERMIT ISSUED

SEP 2 2009

City of Portland



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

3-17 20 08

Received from Deering Dwellings

Location of Work 9 Deering

Cost of Construction \$ _____ Building Fee: 30

Permit Fee \$ 105 Site Fee: _____

Certificate of Occupancy Fee: 75

Total: 105

Building (IL) Plumbing (I5) Electrical (I2) Site Plan (U2)

Other _____

CBL: 46 3-25

Check #: 2400 **Total Collected \$** 105

No work is to be started until permit issued.

If permit is Withdrawn or Denied, amount of the Refund is based on \$20.00 or 20% of the fee, (whichever is greater)

In order to receive a refund, you MUST present the Original Receipt.

Taken by: [Signature]

WHITE - Applicant's Copy

YELLOW - Office Copy

PINK - Permit Copy



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>9 Deering St. Portland</u>		
Total Square Footage of Proposed Structure <u>existing 4200 +/-</u>	Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Chart# <u>46</u> Block# <u>B</u> Lot# <u>23</u>	Owner: <u>Estate of Richard J. Goduti</u>	Telephone: <u>776-3768</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>James Goduti</u> <u>9 Deering St</u> <u>Portland, ME</u>	Cost Of Work: \$ <u>0</u> Fee: \$ <u>105.00</u> C of O Fee: \$ <u>0</u>
Current legal use (i.e. single family) <u>single home apartments and professional space</u> If vacant, what was the previous use? _____ Proposed Specific use: _____ Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>conditional use appeal</u> <u>Change from medical office</u> <u>To Professional +</u> <u>James P. Goduti</u>		
Contractor's name, address & telephone: <u>none</u>		
Who should we contact when the permit is ready: <u>James Goduti</u> Mailing address: <u>9 Deering St</u> <u>Portland, ME 04101</u> Phone: <u>776-3768</u>		

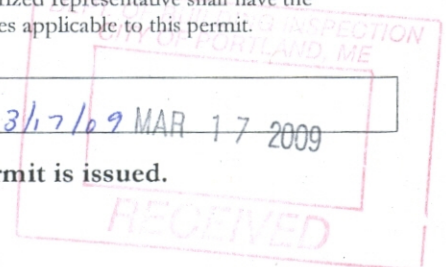
Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, - room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <u>James P. Goduti</u>	Date: <u>3/17/09</u> MAR 17 2009
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This is not a permit; you may not commence ANY work until the permit is issued.



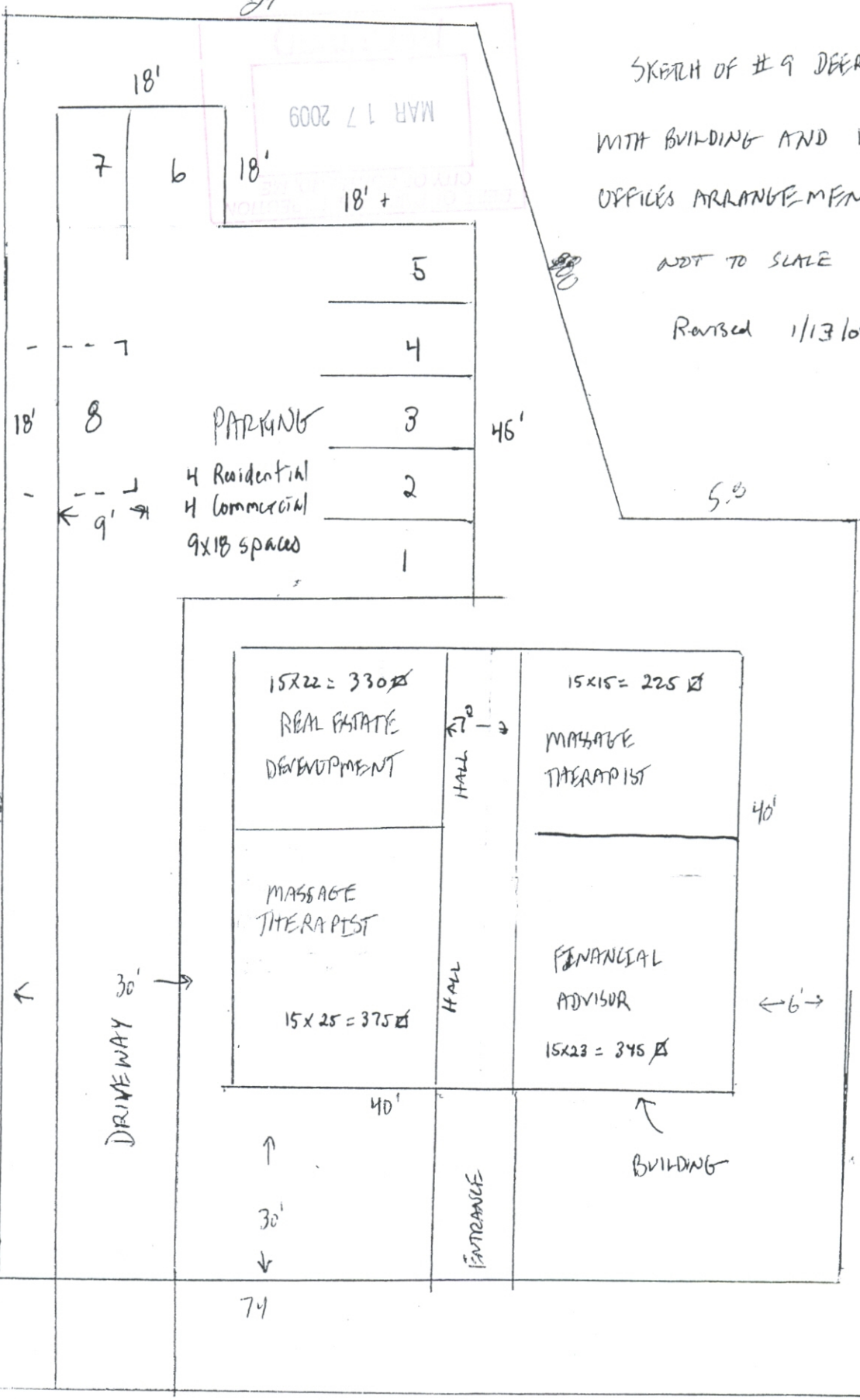
21

SKETCH OF #9 DEERING LOT
WITH BUILDING AND 1ST FLOOR
OFFICES ARRANGEMENT

NOT TO SCALE

Revised 1/13/09

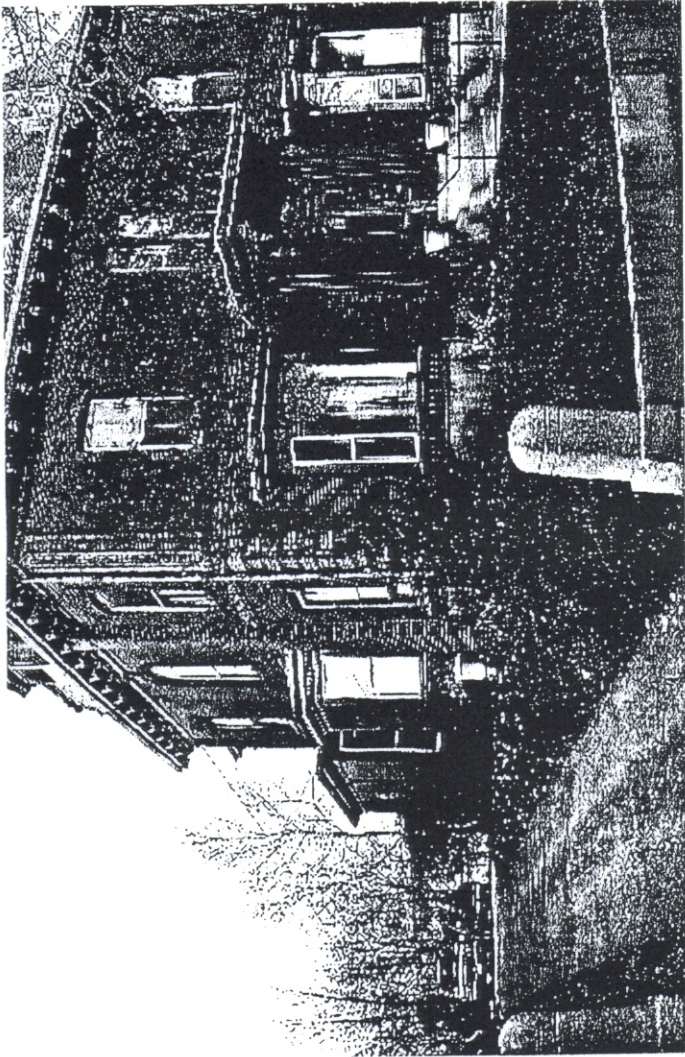
MAR 17 2009



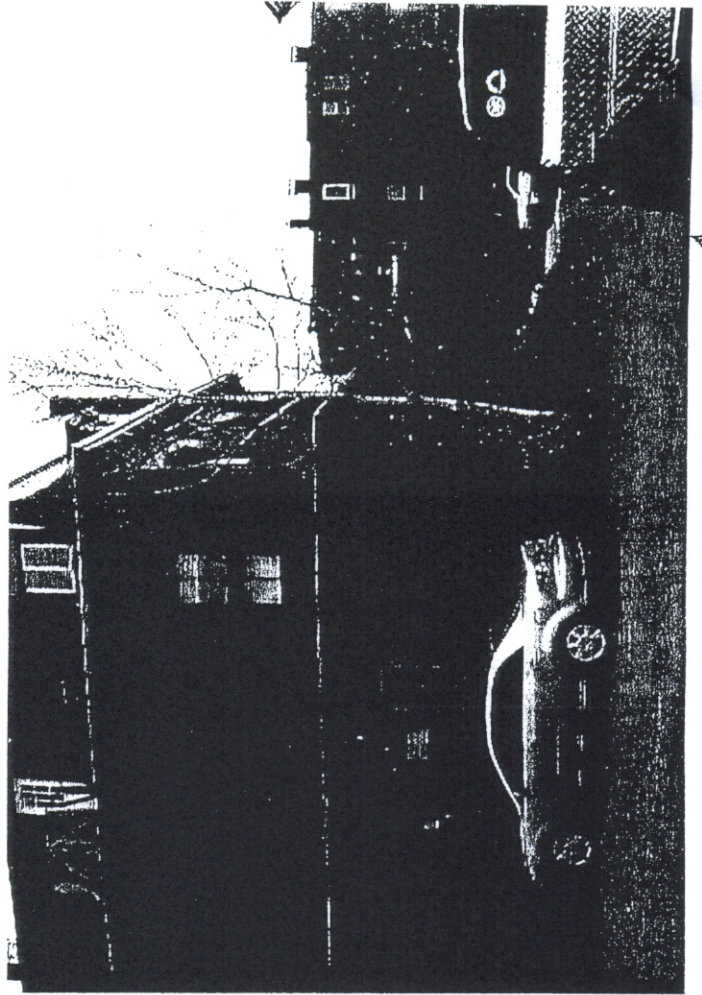
DEERING STREET

HIGH ST. →

FRONT LEFT

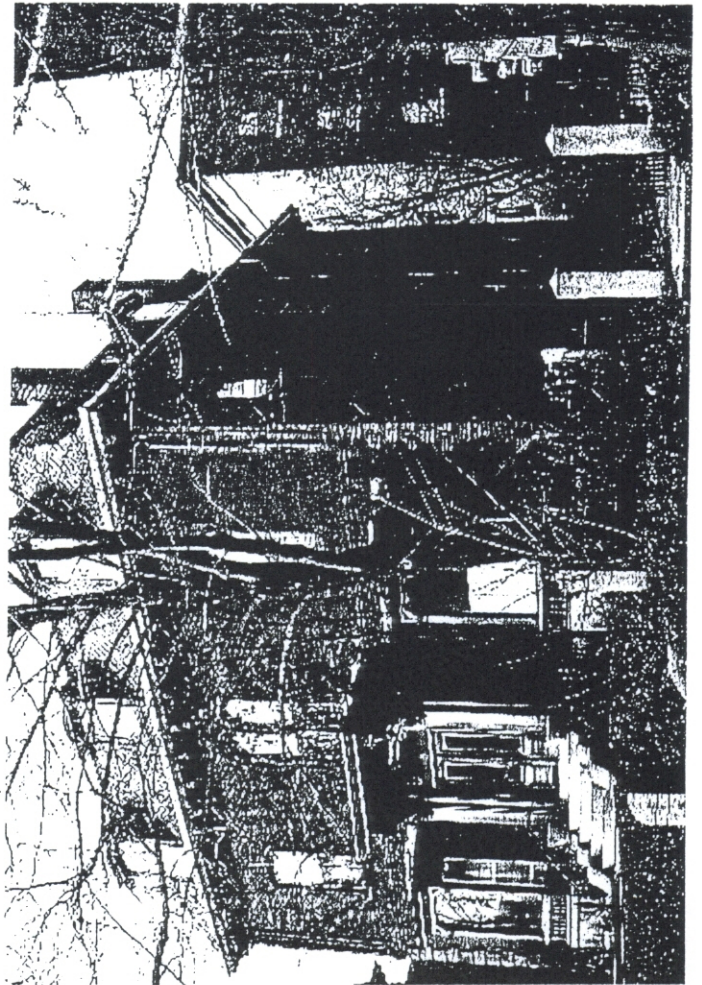


REAR



PARKING

DRIVEWAY



FRONT RIGHT

MAR 17 2009



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

*Penny St. Louis Littell- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

TO: CHAIR AND ZONING BOARD OF APPEALS
FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR
SUBJECT: 9 DEERING STREET – 046-B-023 – R-6 ZONE – HISTORY
DATE: JANUARY 29, 2009

The reason for the required conditional use appeal at this address is that the owners of this property never followed through with the required permitting as required by ordinance. I would refer the Board to refer to section 14-474(e), which is attached. It states that the act of granting a conditional use to an applicant, does not authorize the proposed use until the applicant applies for and receives an actual building permit for such use. If a building permit is not issued within six (6) months, the conditional use permit shall be deemed invalid.

A research of the City's microfiche (see attached) shows that the City zoning ordinance had to be changed by City Council order #284 on November 2, 1981 to allow the conditional uses requested by the applicant. It was immediately afterward on December 17, 1981 that the Zoning Board of Appeals granted a conditional use appeal at 9 Deering Street for an attorney's office on the 1st floor. The files also indicate a permit application for a change of use from 4 apartments and 1 doctors office to 4 apartments and 1 attorney office. However this permit was never stamped and issued. Apparently the applicant did not follow through with the requirements of section 14-474(e). Therefore this office considers the use to be invalid.

Because there was no history to allow the professional offices on the first floor, we required the current owner to apply for a conditional use to legalize the current use. On March 15, 2007 the ZBA granted a conditional use appeal for four professional offices on the 1st floor. The applicant was reminded and given an application to apply for a building permit to change the use. The applicant has not applied for the required building permit within the 6 month window. Therefore as stated under 14-474(e), the conditional use appeal is invalid.

The applicant is now back in front of you for a conditional use appeal for professional offices on the first floor. If the appeal is granted by the Board, this office will again remind the applicant that there is a requirement for a follow-up with a valid building permit application and issuance.

9 DEERING STREET
R-6 ZONE & HISTORIC OVERLAY
46-B-23
10,370 SQ FT

- March 14, 1958 Conditional Use appeal to permit alterations in the 1st story of the single family building to allow 2 suites of doctor's offices and for a parking area in the rear for 9 cars – approved with conditions concerning the parking – owner never acted on this (no permits and no C of O on file.
- Feb. 12, 1959 Letter from the City explaining Building Code violations based on the new business use – no fire resistive windows or parapet wall.
- Feb. 13, 1959 Conditional Use appeal to change the use from a single family to one suite of doctor's offices on the 1st floor, 2 apt on the second floor with the third floor to be vacant & not used for living quarters – approved with no conditions.
- Feb. 16, 1959 Municipal officers Building code Appeal concerning the lack of fire resistive windows and required parapet wall – approved
- March 26, 1959 Permit #59-00279 issued allowing a change of use to one suite of doctor's offices on 1st floor, 2 apartments on second floor and 3rd floor to remain vacant & not used for living quarters
- May 22, 1959 Certificate of Occupancy issued in reference to permit 59/279
- Sept. 15, 1960 Variance appeal to permit foundation & permanent enclosure for existing one-story porch on rear of building to use this additional space in connection with existing suite of doctor's offices on the 1st floor – granted
- April 5, 1965 Municipal Officers Building Code request to provide 2 apartments on 3rd story, thus making four apartments as well as a suite of doctor's offices on the 1st floor – 1) No 1-hr fire resistive separation between the offices on the 1st floor and the apartments above; 2) A single step down from 2nd floor platform of rear stairs is in violation – granted conditionally that an automatic fire alarm system be installed.
- April 12, 1965 Permit 65/363 issued for a change of use for office suite on 1st floor and 2 apartments on 2nd floor and 2 apartments on 3rd floor – separate permit for fire escape to be under another application.

March 16, 1966 Certificate of Occupancy issued for the two new apartments on the third floor.

Nov. 2, 1981 Order #284 City Council approved a text amendment of the Zoning Ordinance to allow "Attorneys-at-Law" under Conditional Uses in the R-6 Zone.

* Nov. 18, 1981 Permit application to change the use from 4 apartments and 1 doctors office to 4 apartments and 1 attorney office - ** Permit not stamped and not issued **.

Dec. 1, 1981 Letter from Richard J. Goduti, Jr. concerning changing the 1st floor doctors offices to attorney's offices (Morrill & Skolfield Attorneys) – employs six people and approximately 10 people per day served. Note: site plan shows 12 car spaces for off-street parking.

* Dec. 17, 1981 Conditional Use appeal to change the use from 4 apartments and doctor's offices on 1st floor to 4 apartments and attorney's office on 1st floor – granted – no conditions.

Aug. 31, 1982 Letter of illegal use "DownEast Carriers" – from Merlin Leary.

October 11, 2006 Zoning letter from Ann Machado outlining the need to legalize illegal uses on the first floor by means of a Conditional Use appeal.

Oct. 16, 2006 Building permit issued to allow repair to retaining wall – add concrete retaining wall to abut ledge – condition by zoning on the illegal use – to go thru a process to legalize the existing uses.

March 15, 2007 Zoning Board of Appeals approved a Conditional Use appeal for 1st floor to be professional offices. Next day James Goduti was sent a letter of appeal approval and a permit application to follow-up with a building permit.

Sept. 20, 2007 Ann Machado sent another letter to James Goduti concerning the time lapse for a permit application to follow-up the Conditional Use approval by the ZBA. After 6 months the ZBA approval is void. James Goduti must reapply for a Conditional Use approval by the ZBA.

Oct. 3, 2007

James Goduti paid \$100 and submitted some documentation for a Conditional Use appeal for the professional offices on the first floor. He never followed-up with the actual appeal. The use(s) on the first floor are not legal thru any issued permit.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz

February 9, 2009

James Goduti
11 Park Circle
Cape Elizabeth, Maine 04107

RE: 9 Deering Street
CBL: 046 B023
ZONE: R6

Dear Mr. Goduti:

As you know, at the February 5, 2009 meeting, the Zoning Board voted 4-0 to grant your Conditional Use Appeal.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification; also a copy of the board's decision. You are also required to submit a Change of Use permit for the four professional offices to be located on the first floor. Enclosed is an application for your change of use. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

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

Sincerely,



Gayle Guertin
Office Assistant

CC: Estate of Richard J. Goduti
file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA DECISION

The Board of Appeals will hold a public hearing on Thursday, February 5, 2009 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: February 06, 2009

RE: Action taken by the Zoning Board of Appeals on February 5, 2009.

The meeting was called to order at 6:30pm.

Roll call as follows: **Members Present:** Philip Saucier, Peter Coyne (acting secretary) Jill Hunter and William Getz.

Members Absent: Deborah Rutter and Gordon Smith.

1. New Business:

A. Practical Difficulty Variance Appeal:

38 India Street, PME I, L.P., owners, Tax Map 029, Block L, Lots 001, 002 & 003, C44 Conditional Contract Zone: The appellant is seeking a variance from Section 14-218(b)(5) requesting a six (6) foot parking setback from street lines instead of the minimum 35 foot required. The B-3 zone requirements are being applied as delineated within the conditional /contract zone. Representing the appeal is Michael A Voccola. **The Board voted 4-0 to grant the withdrawal of the Practical Difficulty Variance Appeal with no prejudice.**

B. Conditional Use Appeal:

9 Deering Street, Richard J. Goduti Family Trust, owners, Tax Map 046, Block B, Lot 023, R-6 Zone: The appellant is seeking a Conditional Use Appeal under section 14-137(c)(2) requesting that four professional offices be located on the first floor of the property. Representing the appeal is James Goduti. **The Board voted 4-0 to grant the Conditional Use Appeal.**

C. Variance Appeal:

3 Deering Avenue, Abdi Aziz Mohamed Mohamud, lessee, Tax Map 047, Block A, Lot 004, B-2b Zone: The appellant is seeking a Variance Appeal under section 14-332(i) requesting that the off-street parking requirement be waived. Section 14-332 (i) requires one off-street parking space for each 150 square feet of floor area in a restaurant that is not used for bulk storage or food preparation. The restaurant has approximately 750 square feet of floor area which requires five parking spaces. Representing the appeal is Alan Fishman of Fishman Realty Group and the lessee. **The Board voted 4-0 to grant the Variance Appeal.**

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-6 Residential Zone Professional Offices:

Conditional Use Appeal

DECISION

Date of public hearing: February 5, 2009

Name and address of applicant: James Goduti for the Estate of Richard J. Goduti
11 Park Circle
Cape Elizabeth, ME

Location of property under appeal: 9 Deering Street

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

James Goduti
11 Park Circle
Cape Elizabeth, ME 04107

Exhibits admitted (e.g. renderings, reports, etc.):

Perking SPEC Diagram

Findings of Fact and Conclusions of Law:

Applicant is the owner of a three story building in the R-6 zone. The top two floors are residential and the bottom floor contains four offices that house a real estate development company, a financial advisor, and two massage therapists. According to the applicant, office use in the building dates back to the 1950s and there are no other offices within 500 feet. Also according to the applicant, there is no more than one full time employee associated with each of the offices, for a total of four full time employees in the building. There are no proposed alterations to the building. There are eight parking spaces for the building, four of which are reserved for the offices. Total office floor space is 1,520 square feet.

A. Conditional Use Standards pursuant to Portland City Code §14-137(c)(2):

1. The proposed professional offices shall not be used for personal services, retail services, or veterinarians. Instead, the offices will be used for such purposes as health care practitioners, attorneys, social workers, engineers, architects, accountants, real estate agents, insurance agents or similar uses.

Satisfied Not Satisfied 4-0

Reason and supporting facts:

offices > Testimony
1- Financial 3- Massage
2- Real Estate 4- Massage

2. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.

Satisfied Not Satisfied 4-0

Reason and supporting facts:

Testimony by applicant

3. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.

Satisfied Not Satisfied 4-0

Reason and supporting facts:

Testimony
Floor plan

4. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full time employees.

Satisfied Not Satisfied 4-0

Reason and supporting facts:

Testimony
MESSAGE Therapy offices often Empty

5. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.

Satisfied Not Satisfied 4-0

Reason and supporting facts:

Testimony - no alterations

6. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

Satisfied Not Satisfied 4-0

Reason and supporting facts:

Testimony
Diagram of Parking spaces

7. On site parking shall be required as specified in division 20 (off street parking) of this article for the combined uses of the site: for office space, 1 parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage (14-332(j)).

Satisfied Not Satisfied 4-0

Reason and supporting facts:

Testimony
Diagram of Parking Spaces (8 spaces)

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

4-0

Yes

No

Reason and supporting facts:

Testimony
Similar to others in zone
Existing use

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes

No

Reason and supporting facts:

Testimony

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes

No

Reason and supporting facts:

Testimony

Conclusion: (check one)

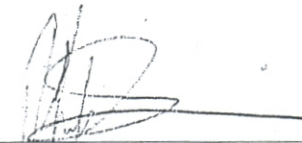
4-0

Option 1: The Board finds that all relevant standards (1 through 7) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

Option 2: The Board finds that all relevant standards (1 through 7) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that not all relevant standards (1 through 7) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated: 2/5/09



Board Chair