



PORTLAND MAINE

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*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: 3-5 DEERING AVENUE – 047-A-004 –B-2b ZONE
DATE: JANUARY 29, 2009

This is a little bit of history on this site.

On June 16, 2005 the Zoning Board of Appeals granted relief from all required parking under a variance for Sharon D. Moore and a restaurant called “Honey’s Place A Family Affair”. The applicant followed through with a building permit. On July 25, 2006 a building permit was issued to change the use from the restaurant use to a retail bicycle shop. The Board should note that retail uses of 2,000 square feet and under are not required to show off-street parking by ordinance.

Following the demise of the bicycle retail use, the Board granted relief from all required off-street parking for an newly proposed neighborhood family restaurant on May 1, 2008. The applicant was Aboli Abu and Halima Abu. The applicant submitted an application for the restaurant use, but abandoned the process. A building permit was never issued. Section 14-473(e) states that within six months a building permit application must be issued to sustain the granting of the variance. Because of the lack of a valid building permit, the variance for parking previously granted is now invalid.

That brings the Board to today’s request and the need for another variance to grant relief from all required off-street parking for a newly proposed restaurant at this site.