CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

Multifamily Dwelling in an R-6 Zone
and existence of Shell-ercl care group have
Interpretation Appeal

DECISION

Date of public hearing:

December 6, 2012

Name and address of applicant:

Michael J. Patterson

42 Deering Street Portland, ME 04101

Location of property under appeal:

38 Deering Street

40 Deering Street
43 Mellen Street

235 State Street

For the Record:

	Names and addresses of witnesses (proponents, opponents and others):
<u>.</u>	OMichael J. Patterson, 42 Deering Street Capplicant)
Huney	Michael J. Patterson, 42 Deering Street Copplicant) Think Pringle, City Cancilor, heighborhood resident Dwade Macklin, 39 Deering Street Attin O Anne Peters, 31 Bramball Street, another RG Zone O Leslie Hurram, 72 Deering O Patrick Babcock, Foundation Exhibits admitted (e.g. renderings, reports, etc.): House owner
owners of	Dwade Macklin, 39 Deening Street
The tainde	attan @ Anne Peters, 31 Bramball Street, another RG Zone
HAULE	@ Leslie Hurray, 72 Deening @ Patrick Babcock, Foundation
	Exhibits admitted (e.g. renderings, reports, etc.):
	Facebook print out from Mr. Patterson @ Chris Worren, Parksider

Hayden!

Christine Macklin, neighbor 39 Deening St

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omer City Consilor

Issues: 1) Does we of four properties
constitute sheldered care group home?
2) Is so Deening Street a single family

Findings of Fact and Conclusions of Law:

The Board's authority to review an interpretation of the building authority is pursuant to Section 14-472 of the land use code. Applicant maintain 38 Devis St. is not The applicant is seeking a review of the determination of the Zoning Administrator in an qual October 18, 2012 letter that the properties owned by several entities, at 38 Deering Street and 40 Deering Street meet the definition of single family dwelling, and do not meet the definition of 'sheltered care group home(s)". The applicant includes in his appeal two other properties, 43 MeHen Street and 285 State Street, which the Zoning Administrator did not specifically mention in her letter of Oetober 18, 2012, but which are also operated by PK/Holdings Inc, d/b/a Foundation House.

Section 14-47 defines a sheltered care group home as "a facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility."

That same section also defines these terms:

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, lodging houses, sheltered care group homes or tourist homes.

Dwelling, one-family: A detached building used exclusively for occupancy by one (1) family.

Family: Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.

The Board heard testimon from Mrs Babcock that the project at 38 Dearin St. is a single fainty dwelling. The Board finds 38 Dearing Street is a single fainty dwelly. There was No evidence was presented that 38 Dearing is the Board heard testiment that none of the four properties. tisted above operated or lowed indirectly by the Babine as do not have food served other than by the residents therein sther than a single Parille registers.

b) do not have go dance or consulty a provided

The Board (into that none of these for proporties are a sheltered care group home

There are no paid staff members living in any of the homes.

The offsite canseling services the are not relevant because the definition only applies to the "Facility"

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	Satisfied		Not Sati	sfied <u>V</u>	_				
	Reason ar	nd supporti	ng facts:		٠				
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Decision: (check	one)
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Option 1: The Board finds that the Appellant has satisfactorily demonstrated that the Interpretation of the City's Zoning Administrator was incorrect or improper, and therefore GRANTS the application.

Option 2: The Board finds that the Appellant has NOT satisfactorily demonstrated that the Interpretation of the City's Zoning Administrator was incorrect or improper, and therefore DENIES the application.

Dated: December 6, 2012

Board Chair

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