

047-B-003

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



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MICHAEL E. WESTORT

498-512 Cumberland Avenue

March 15, 1991

Mr. Ed Rosenthal  
Peoples Regional Opportunity Program  
222 St. John Street  
Portland, Maine 04102

Dear Mr. Rosenthal:

At the meeting of the Board of Appeals on Thursday evening, March 14th, the Board voted by a unanimous vote of six members present to postpone your two conditional use appeals until the meeting of March 28th, 1991. This was considered to be necessary in order to allow additional time for the preparation of a third conditional use appeal for offstreet parking at 61 Deering Street in the R-6 Residence Zone. This is included as a conditional use in Section 14-137(3)e of the Portland Land Use Code (Zoning Ordinance).

On May 16, 1974, the offstreet parking lot at 61 Deering Street was approved by the Board of Appeals for 23 spaces in the R-6 Residence Zone. Now the Peoples Regional Opportunity Program is requesting approval of 32 offstreet parking spaces for the same lot at 61 Deering Street. In this connection, Section 14-337 of the Zoning Ordinance entitled "Location in residence zones for more than six vehicles" states as follows:

"When offstreet parking for more than six (6) vehicles is required or provided for nonresidential uses in residence zones, it shall not be located closer than twenty-five (25) feet to any residential structure on an adjoining lot."

Section 14-338 is also applicable to the designing of a parking lot for more than six vehicles to be provided in a residence zone. A copy of this section is enclosed for your information.

Sincerely,

*Warren J. Turner*  
Warren J. Turner  
Administrative Assistant

cc: Thomas F. Jewell, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
P. Samuel Hoffses, Chief, Inspection Services  
William D. Giroux, Zoning Administrator  
Kevin Carroll, Code Enforcement Officer  
Charles A. Lane, Associate Corporation Counsel

**Sec. 14-338. When located within required open yard areas in residence zones.**

(a) Where off-street parking for more than six (6) vehicles is required or provided on a lot in a residence zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

- (1) A continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.
- (2) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a residence zone, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved. (Code 1968, § 602.14.H)

(b) Notwithstanding the provisions of subsection (a) of this section, parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turn-around area. (Code 1968, § 602.14.H; Ord. No. 231-90, § 2, 3-5-90)

**Sec. 14-339. When located adjacent to a street or a residential use.**

Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the following requirements shall be met:

- (1) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles cannot project beyond its face toward the street line involved either above or below the impact surface.
- (2) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved. (Code 1968, § 602.14.I)

**CITY OF PORTLAND, MAINE**

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MICHAEL E. WESTORT

498-512 Cumberland Avenue

January 24, 1991

Peoples Regional Opportunity Program  
222 St. John Street  
Portland, Maine 04102

Ladies and Gentlemen:

Receipt is acknowledged of your conditional use appeals for a day care center for about 60 children and professional offices for your Peoples Regional Opportunity Program to be conducted in the building at 498-512 Cumberland Avenue in the R-6 Residence Zone. The building was formerly occupied by the House of Lights and has recently been used as a warehouse. It is currently owned by Silver Ring Associates, One Monument Way, P. O. Box 3879, Portland, Maine 04104.

These two conditional use appeals will be scheduled for review by the Board of Appeals at their next regular meeting on Thursday evening, February 14, 1991, in Room 209, City Hall, Portland, Maine, at 7 P.M. A copy of the agenda for that meeting will be sent to you as soon as copies become available for distribution.

Sincerely,

Warren J. Turner  
Administrative Assistant

cc: Silver Ring Associates, P. O. Box 3879, Portland, Maine, 04104  
Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
P. Samuel Hoffses, Chief, Inspection Services  
William D. Giroux, Zoning Administrator  
Kevin Carroll, Code Enforcement Officer  
Charles A. Lane, Associate Corporation Counsel

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MICHAEL E. WESTORT

498-512 Cumberland Ave.

March 29, 1991

Mr. Ed Rosenthal  
Peoples Regional Opportunity Program  
222 St. John Street  
Portland, Maine 04102

Dear Mr. Rosenthal:

At the meeting of the Board of Appeals on Thursday evening, March 28th, the Board voted on three conditional use appeals for the proposed project in the R-6 Residence Zone at 498-512 Cumberland Avenue.

Public hearings were held for the three conditional use appeals pertaining to the use of the same site in the former House of Lights building, for which Peoples Regional Opportunity Program is a prospective purchaser and Silver Ring Associates is the current owner.

Following consideration of the proposed day care center to accommodate 60 children, the Board voted by a vote of four in favor to one opposed to grant this conditional use appeal. Following the public hearing, the Board voted by a unanimous vote of five members present and voting to grant the conditional use appeal for the use of the building for professional offices by your organization. In conjunction with the third conditional use appeal under the provisions of Section 14-137(3)e of the Land Use Code, the Board voted by a unanimous vote of five members to grant an increase in the number of offstreet parking spaces at 61 Deering Street from 23 to 25 spaces. Copies of the Board's decisions for the three appeals are enclosed for your records.

Sincerely,

*Warren J. Turner*  
Warren J. Turner  
Administrative Assistant

Enclosures: Copies of the Board's Decisions

- cc: Thomas F. Jewell, Chairman, Board of Appeals
- Joseph E. Gray, Jr., Director, Planning & Urban Development
- P. Samuel Hoffses, Chief, Inspection Services
- William D. Giroux, Zoning Administrator
- Kevin Carroll, Code Enforcement Officer
- Sarah Green Greene, Senior Planner
- Charles A. Lane, Associate Corporation Counsel

**CITY OF PORTLAND, MAINE**

ZONING BOARD OF APPEALS



THOMAS F. JEWELL  
Chairman

September 3, 1991

RAY M. JOHNSON  
JOHN C. KNOX  
DEWEY A. MARTIN, JR.  
MERRILL S. SELTZER  
MICHAEL E. WESTORT

RE: 498-500-512 Cumberland Ave.  
61 Deering Street

Mr. Ed Rosenthal  
Peoples Regional Opportunity Program  
222 St. John Street  
Portland, Maine 04102

Dear Mr. Rosenthal:

Receipt of your application of a Conditional Use Appeal for an extension of the Conditional Use Appeal granted you by the members of the Board of Appeals at their meeting of March 28, 1991 regarding a day care center, professional offices, and offstreet parking at the above address, is acknowledged.

This appeal will be scheduled for review before the Board of Appeals on Thursday evening, September 26, 1991, at 7 P.M. in Room 209, City Hall, Portland, Maine. We hope that you will plan to attend to answer any questions which the Board members may have concerning this appeal.

We will send you a copy of the September 26th agenda as soon as copies become available for distribution.

Sincerely,

  
William D. Giroux  
Zoning Administrator

/el

cc: Thomas F. Jewell, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
Charles A. Lane, Associate Corporation Counsel  
Marland Wing, Code Enforcement Officer