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Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

TO: David Marshall, City Counselor
FROM: Marge Schmuckal, Zoning Administrator
DATE: October 18, 2012
RE: Determination concerning the Foundation House uses

047-A-27
047-C-16
047-C-17
046-A-6

Hi David,

I am responding to your original request to re-analyze the uses for Foundation House in or around Deering Street. On October 17th I met with Danika and Patrick Babcock to discuss how they used their buildings that they own. I am attaching a copy of GIS map indicating the location of those properties. All properties are in the R-6 multi-family residential zone. My focus was on the definition of a *Sheltered care group home*:

"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".

First, the Foundation properties charge rent. Secondly, food is not provided. Everyone provides their own meals. So the first criteria of providing food and shelter has not been met. The definition goes on to say that guidance or counseling services are a primary function of the facility. I did not find that any of the properties had any significant counseling or formal guidance on-site. All such counseling and guidance is off-site near by in the B-3 business zone. The Foundation leases several suites on the third floor of the State Theater building on Congress Street. I visited the site for a firsthand look. So I have concluded that none of the four properties could meet the definition of a "sheltered care group home".

Further discussions lead me to believe that 38 Deering Street is still functioning as a single family dwelling. The Foundation does use that address as a mailing address for their business. I discussed home occupation requirements with them concerning their use at that location. I am currently not convinced that it is a major "business" site. And yes, they have lived in the building on occasion. And they still have their home in Cape Elizabeth. They own two homes. I find that no different from many people who own a home on the mainland and a home on one of the islands. I had further discussions concerning.

40 Deering Street which is legally considered to be a single family dwelling. I believe that property is now being use more like a lodging house. Currently the Babcocks are working with an architect, Will Winkleman, for some interior alterations to the building. I will be meeting with Will Winkleman to go over his plans. I am encouraging the owners to apply for a change of use permit to legalize the use to a lodging house, a permitted listed use in the R-6 zone. There are other criteria for a lodging house that the applicant must meet. That is where the architect comes in. I will be meeting with the architect within the next two weeks. I can update you at that time as to the status of this property.

under "C" Dave
(Marge)