

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

Manka Kuzma Green
NAME Princess K LLC

Aurora Provisions
BUSINESS NAME

64 Pine Street
ADDRESS
Portland, ME 04102

207-871-9060
TELEPHONE #

owner
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

B1
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

retail

Subject Property Information

same
PROPERTY ADDRESS

map 076/block C/lot 2 & 4
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

NAME

ADDRESS

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 244 163 (a)(1)

TYPE OF CONDITIONAL USE PROPOSED:

retail/cafe
30 seats

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*
2. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*
3. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

Manka Kuzma Green
SIGNATURE OF APPLICANT

Feb. 15, 2013
DATE

389 Congress St., Room 315, Portland, Maine 04101: (207) 874-8703 : FAX: 874-8936: TTY 874-8936

RECEIVED

FEB 19 2013

Dept. of Building Inspections
City of Portland Maine

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements provided that such use which generates in excess of a ratio of 100 peak hour vehicle trips per 2000 sq. ft. of space, and generates in excess of 100 peak hour vehicle trips is prohibited. As set forth in the City of Portland Technical Manual, section I, the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips:

→ 1. Restaurants, provided they meet the following requirements:

- a. Maximum total floor area for use of the public shall be one thousand (1,000) square feet; *785' sq ft.*
- b. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day; *7:30 AM - 6:30 PM*
- c. Food service and consumption are the primary function of the restaurant; and *100% / no alcohol*
- d. There shall be no drive-through service.

~~(b) The following use shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:~~

- ~~1. Temporary wind anemometer towers, as defined in sec. 14-47, are permitted provided the following standards are met in addition to sec. 14-430:~~
 - ~~a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a certificate of occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and~~
 - ~~b. Towers shall be constructed according to plans and~~

14-244

*Aurora Provisions
64 Pine St.
Portland, ME*

04102

AURORA PROVISIONS



February 15, 2013

Zoning Board of Appeals
City of Portland, Maine

Dear Members of the Board,

Please accept this letter to supplement the Appeal Application concerning my property at 64 Pine Street. We have just learned that, when purchasing the business and building 12 years ago, we are currently zoned for a retail space when I was clearly under the assumption that I had purchased a café, retail and catering business as stated in the P&S agreement. Both our State Health & Human Services and Portland City Clerk's Office have us licensed as a food service establishment. While doing some research on renovations, Anne Machado discovered a letter from your office dating back to 1996 and the previous owner, Norine Kotts, specifying that we were approved for retail. When I purchased the business in 2001, I was never made aware of this as there were already 21 seats in the establishment. Since then, we have become an anchor of the West End for shopping, lunches and catering. We employ over 30 people, full time and give back to the neighborhood in exponential ways.

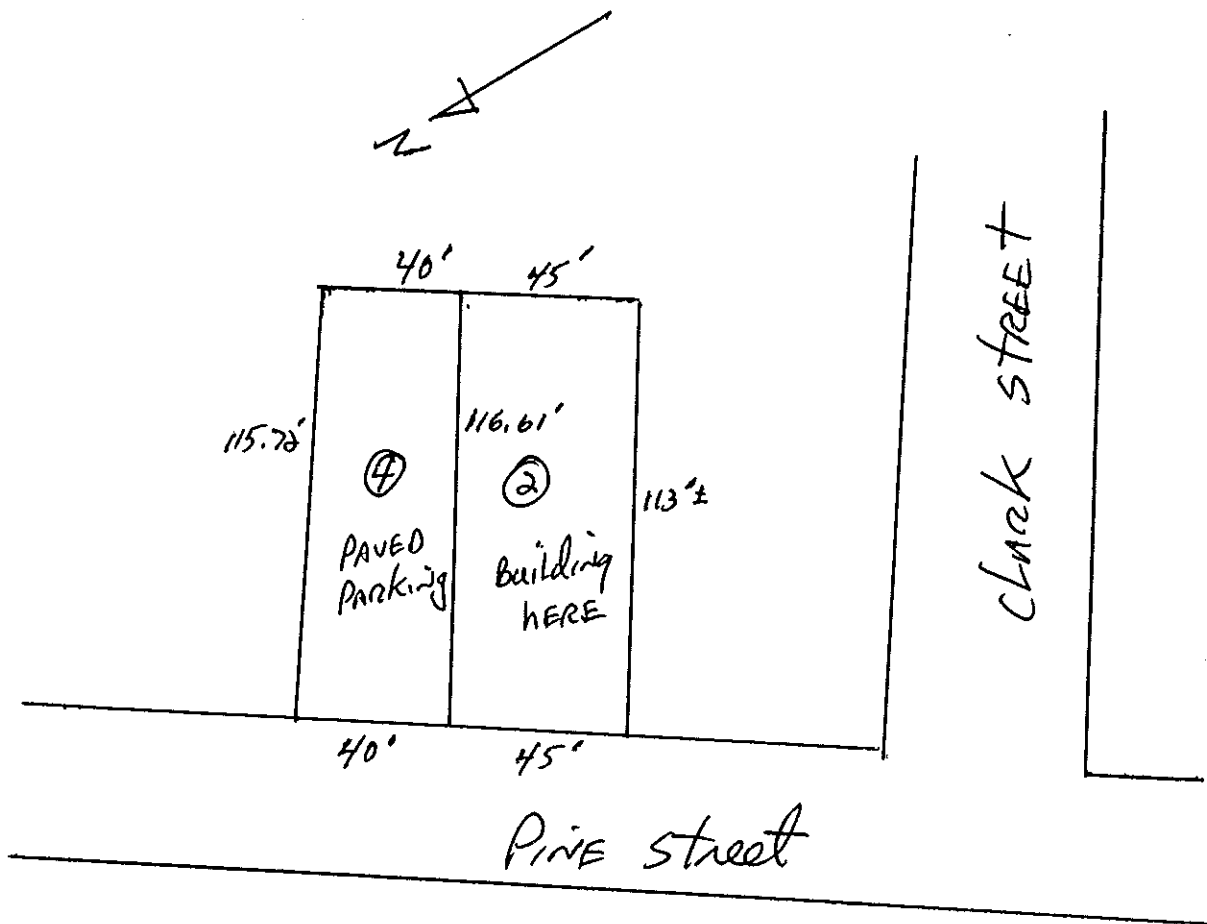
As we currently have 30 seats as is stated on our State License and have passed all necessary inspections. We would ask that you approve the attached application at your meeting on March 7th, 2013. Many thanks for your service and time.

Marika Kuzma Green
Proprietor

A handwritten signature in cursive script that reads "Marika Kuzma Green". The signature is fluid and matches the printed name above it.

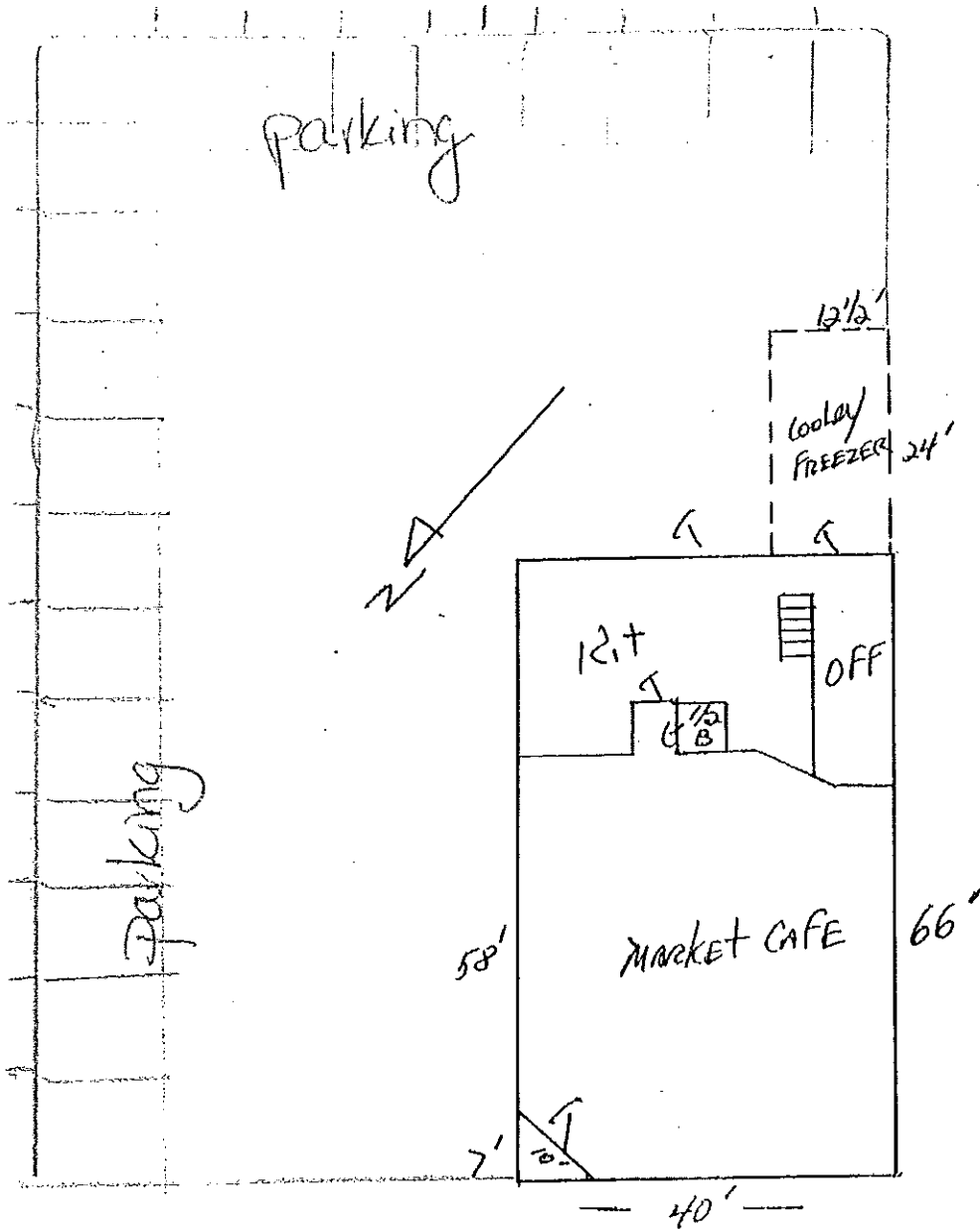
SITE PLAN

Map 56, Block C, Lots 2 & 4
Area = .223± AC or 9,732± SF



Scale 1" = 50'

BUILDING SKETCH



Scale: 1" = 20'
Approximate Layout

GBA Computations:

40' x 66'	=	2,640± SF
Less entry	=	-25± SF
Total	=	2,615± SF

total land parcel 9,732 SF

total - 2615 sq'

Kitchen - 976 sq'

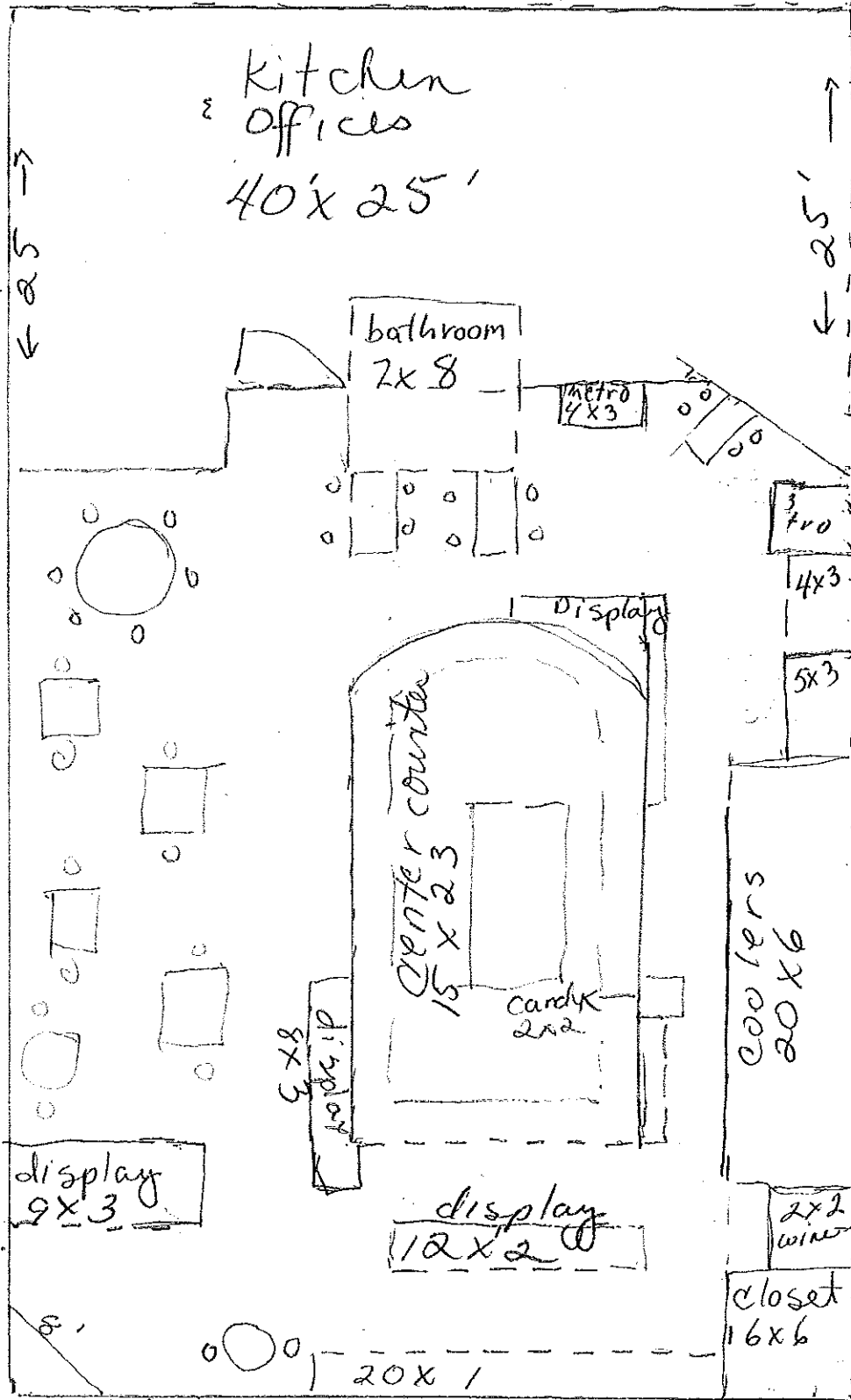
retail - 1639 sq'
store

outside
walk-in
313 sq'

← 40 →

Counter +
display + retail
671 799 sq'

Public seating area
968 807 sq'



↑ 25' ↓
← 66 →
Coffee Metro

Aurora Provisions
64 Pine St.
Rockford, Ill. Entry
20102

Aurora Provisions

64 Pine St

Portland, Me

04102

total Floor Plan
of Building ²⁶¹⁵ 2600' sq'

Kitchen $40 \times 25 = 1000$ sq' - 24 sq' (bathroom) = 976 sq'

bathroom $3 \times 8 = 24$ sq' (total bathroom 7×8)
(in kitchen area) 56 sq'

Actual Store Space

¹⁶³⁹
1600 sq'

center counter Island
 $23 \times 15 = 345$ sq'

coolers
 $20 \times 6 = 120$ sq'

closet
 $6 \times 6 = 36$ sq'

wine displays + giftware/cards

$20 \times 1 = 20$ sq'

$6 \times 2 = 12$ sq'

$12 \times 2 = 24$ sq'

coffee counter
 $5 \times 3 = 15$ sq'

bread display
 $4 \times 2 = 8$ sq'

gift display #1 =
 $9 \times 3 = 27$ sq'

gift display #2
 $8 \times 3 = 24$ sq'

- open to public
entry - $8 \times 12 = 96$ sq'

- open to public
* Bathroom Section
jutting out into store
 $8 \times 4 = 32$ sq'

metro shelving
full of retail product

#1 $4 \times 3 = 12$ sq'

#2 $4 \times 3 = 12$ sq'

#3 $4 \times 3 = 12$ sq'

#4 $2 \times 2 = 4$ sq'

968

~~800~~ sq'

open to public
seating / public area

761

~~799~~ sq'

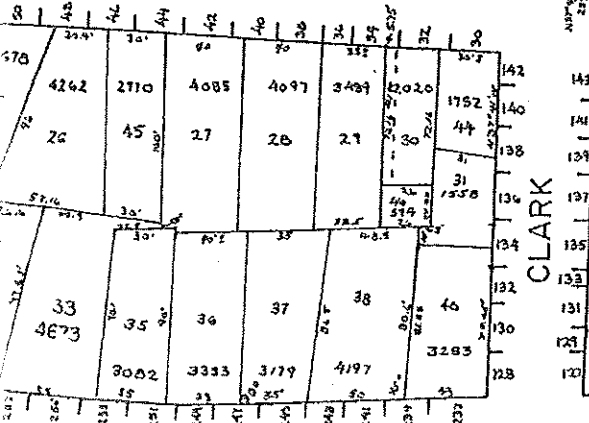
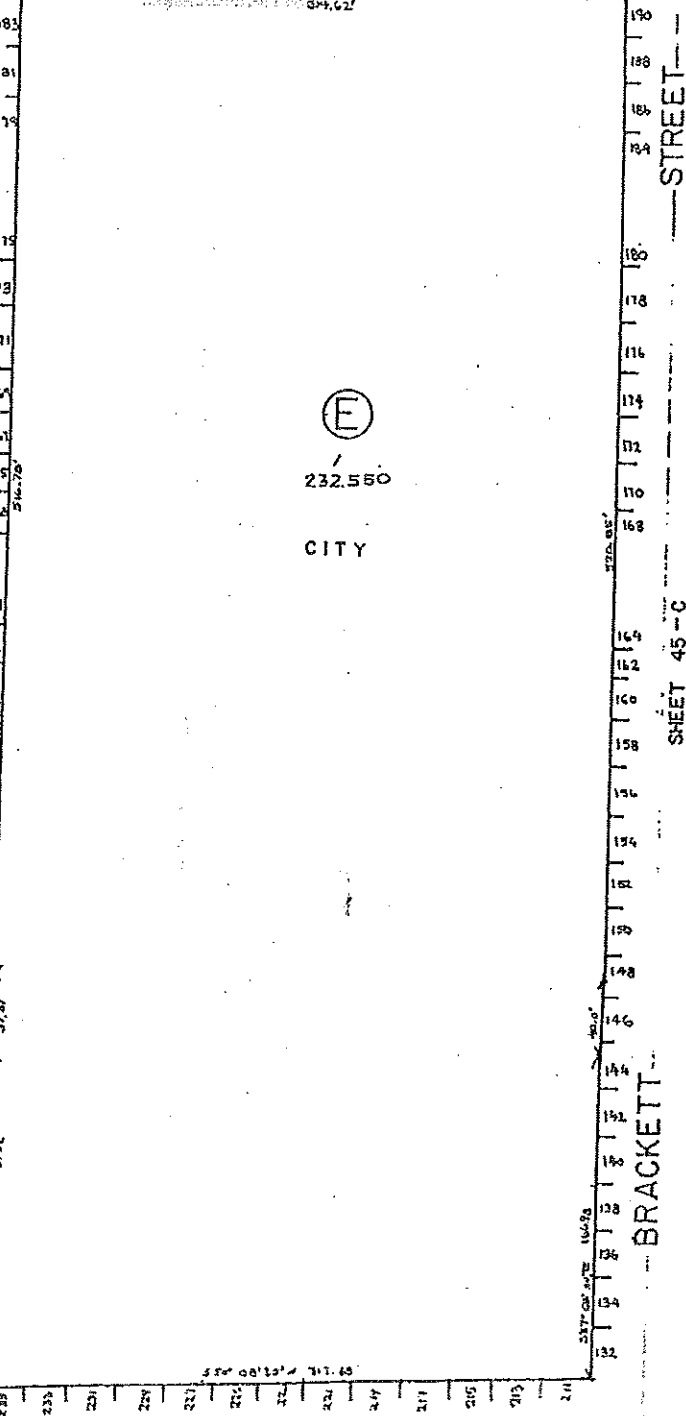
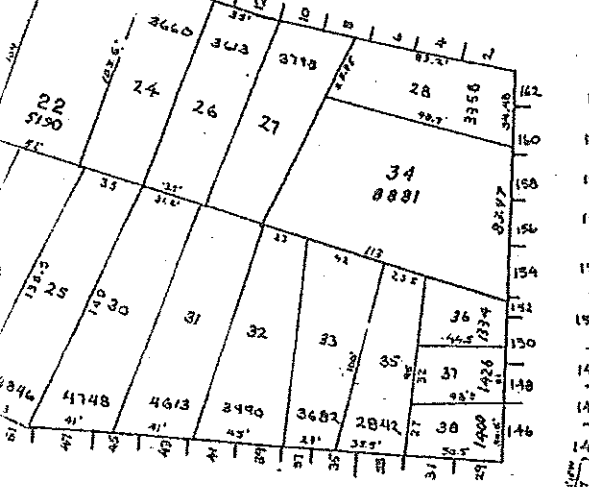
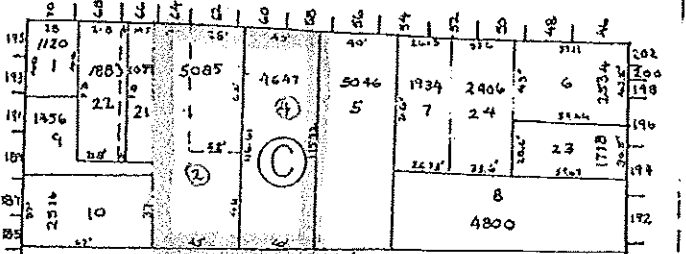
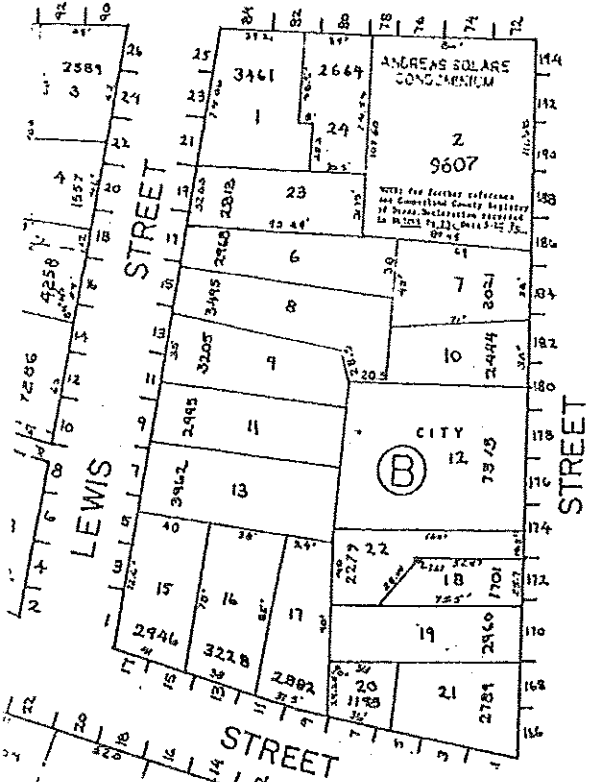
retail / counter
display etc.

PINE

SHEET 56-C

STREET

No 5



STREET

STREET

SHEET 45-C

BRACKETT

(E)

232.550

CITY

ANDREAS SOLARE
CONDOMINIUM

9607

NOTICE: For further reference
see Commission's County Register
of Deeds, Declaration recorded
in 1931 in 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

SUBJECT PHOTOGRAPHS

Front and side view from Pine Street.



Rear and side view from parking lot.



SUBJECT PHOTOGRAPHS

Interior view, looking from the rear corner by the kitchen entrance towards the front.



Interior view, looking from the front entrance towards the kitchen.



0051774

BK 16607 PG 144

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, that MILAGRO, INC., a Maine corporation having a mailing address of c/o 27 Crosby Street, Portland, Maine 04103, for consideration paid, grants to PRINCESS K, LLC, a Maine limited liability company having a mailing address of c/o 63 Homestead Avenue, Portland, Maine 04103, with WARRANTY COVENANTS, the land and all buildings, structures and improvements situated thereon and located at 64 Pine Street in the City of Portland, County of Cumberland, and State of Maine, being more particularly described in Exhibit A attached hereto.

REQUIRE REAL ESTATE TAX PAID

Being the same premises conveyed to the within Grantor by warranty deed of New Atlantic Foods Limited Partnership dated December 30, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12882, Page 114.

IN WITNESS WHEREOF, Milagro, Inc. has caused this instrument to be executed by its duly authorized officer this 6th day of August, 2001.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:

Daina Nathanson

MILAGRO, INC.

By: Norine Kotts
Norine Kotts
Its: VICE PRESIDENT

STATE OF MAINE
COUNTY OF Cumberland, ss.

Then personally appeared the above-named Daina J. Nathanson and acknowledged the foregoing instrument to be her free act and deed, in her said capacity and the free act and deed of Milagro, Inc.

Before me,

Daina J. Nathanson
Notary Public/Attorney at Law

Daina J. Nathanson
Print Name

EXHIBIT A

AK16607PG145

certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Pine Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the southeasterly side of said Pine Street at a point distant one hundred sixty (160) feet southwesterly from the intersection of said side of Pine Street with the southwesterly side of Brackett Street; thence southwesterly along said southeasterly side of Pine Street forty (40) feet to a point; thence southeasterly by a line parallel with the southwesterly side of Brackett Street one hundred sixteen and sixty one hundredths (116.61) feet to a fence; thence by said fence northeasterly forty (40) feet to a point; thence northwesterly by a line parallel with said southwesterly side of Brackett Street one hundred fifteen and seventy two hundredths (115.72) feet to the point of beginning.

Also, a certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Pine Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point in the southeasterly side of Pine Street distant two hundred (200) feet southwesterly from an angle formed by Brackett and Pine Streets; thence running southeasterly at right angles with said Pine Street one hundred thirteen (113) feet, more or less, to land formerly of Arthur O. Huff; thence southwesterly on the line between this lot and said land and land formerly of Daniel Knight, forty five (45) feet, more or less, to land formerly owned by Benjamin F. Nelson; thence northwesterly by said Nelson land, land formerly owned by Joseph C. Perry and land now or formerly of Richard D. Berry, one hundred thirteen (113) feet, more or less, to said Pine Street; thence northeasterly on said Pine Street, forty five (45) feet, more or less, to the point of beginning.

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 AUG -7 AM 10:34

CUMBERLAND COUNTY

John B. C. Brien

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF THE MEMBERS
IN LIEU OF ANNUAL MEETING**

The undersigned, being all the Members of Princess K, LLC, a Maine limited liability company do hereby adopt in writing the following resolutions and consent to the following actions in lieu of annual meeting, such actions to be effective on the date hereof:

RESOLVED: That all acts and doings of the Members and Managers of the limited liability company for the past calendar year be; and the same hereby are, ratified, approved and confirmed as they may appear of record.

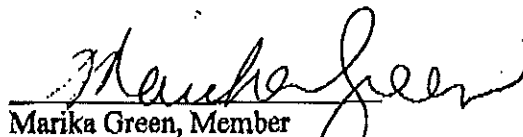
RESOLVED: That the following are the Members of the limited liability company and have been the Members for the prior calendar year. No amendments have been made to the Operating Agreement or other organizational documents:

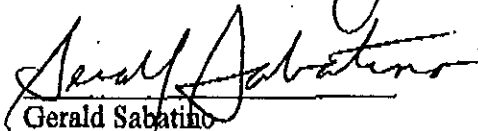
Marika Green and Gerald Sabatino

RESOLVED: That the following be and hereby are elected as managers of the company to hold office until the next Annual Meeting of the Members or until a successor or successors are duly elected and qualified:

Marika Green

DATED: As of 2/22, 2012.


Marika Green, Member


Gerald Sabatino

Ann Machado - Aurora Provisions and March 7 zoning meeting

From: <AuroraProv@aol.com>
To: <amachado@portlandmaine.gov>
Date: 2/21/2013 2:34 PM
Subject: Aurora Provisions and March 7 zoning meeting

Dear Ann,
Unfortunately, I have to be away for the March 7th meeting regarding the zoning issue for Aurora Provisions. As the owner, I would like to designate Leslie Oster, General Manager of Aurora Provisions, as my representative and spokesperson. Thank you.

Best
Marika Kuzma Green
proprietor
Aurora Provisions
64 Pine St.
Portland, Maine 04102

RECEIVED
FEB 21 2013
Dept. of Building Inspections
City of Portland Maine



Aurora Provisions <auroraprovisions.pma@gmail.com>

FW: 64 Pine Street

1 message

Leslie Oster <leslie@auroraprovisions.com>
To: Aurora Provisions <auroraprovisions.pma@gmail.com>

Fri, Feb 15, 2013 at 10:34 AM

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Friday, February 15, 2013 10:29 AM
To: leslie@auroraprovisions.com
Subject: 64 Pine Street

Leslie -

As I said on the telephone, all the permits that we have for 64 Pine Street list the use as retail and the letter from Marge Schmuckal dated December 19, 1996 states that the main use of the property is retail sales and that the food counter/cafe (limited to existing number of seats) and the catering kitchen use are accessory uses. At some point more seats were added without a change of use permit. The ordinance defines a restaurant as "any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons". Once there were ten seats or more there should have been a change of use permit applied for to add a restaurant use.

In the B-1 Zone, a restaurant use is a conditional use [14-163(a)(1)] which involves getting approval from the Zoning Board of Appeals before a change of use permit can be issued. This section lists certain requirements that must be met to be granted a restaurant use. I have attached the requirements below. I have also attached the Conditional Use Appeal Application and the sheet that explains the application process. To get on the agenda for the March 7, 2013 meeting, the application is due February 19, 2013 at noon. To be on the March 21, 2013 agenda the application is due March 4, 2013 at noon. For the April 4, 2013 meeting, the application needs to be in on March 18, 2013.

You need to bring the use of the property into compliance. You have thirty days from today to submit a Conditional Use Appeal application to go to the Zoning Board of Appeals.

Ann

Ann Machado
Zoning Specialist
Planning & Urban Development
Portland City Hall

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Norino Kotts
27 Crosby Street
Portland, ME 04103

December 19, 1996

RE: 64 Pine St., Portland, ME 04102
B-1 Zone

Dear Norino,

Please find attached a copy of the certificate of occupancy which was originally approved. This use continues until there is a change of use. Our microfiche on record shows a food counter/cafe (limited to the existing number of seats) as a past approved use being accessory to the main retail sales. The additional proposed catering kitchen use would also be considered an accessory use, and would be allowable. If at any time the food counter/cafe or the catering were to become the principal use, there would need to be a change of use permit applied for in this office, and would need to meet the current zoning regulations at that time. Any alterations would need a separate permit application for approval.

If you have any other questions, please do not hesitate to contact this office.

Very Truly Yours,

Marge Schmuokal
Zoning Administrator

cc to: P. Samuel Hoffses, Chief of Inspection Services

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 8007

MUN - EATING PLACE

30 Seats (In)

AURORA PROVISIONS
64 PINE ST
PORTLAND ME 04102-3855

EXPIRES: 08/31/2013

FEE: \$60.00

▽ DETACH HERE ▽

ATTN MARIKA GREEN
AURORA PROVISIONS INC
AURORA PROVISIONS
64 PINE ST
PORTLAND ME 04102-3855

Mary C. Mayhew
COMMISSIONER

NON-TRANSFERABLE

08167

City of Portland, Maine
Office of the City Clerk

License No. 900

Issue Date 1/3/2013

To all Whom These Presents May Concern:

**This is to certify that the Municipal Officers have granted a license to
AURORA PROVISIONS, INC.**

Doing business as AURORA PROVISIONS

at 64 PINE ST

for FOOD SERVICE ESTABLISHMENT WITH PREP

and at that place only on the following conditions:

BEER AND WINE TAKEOUT.

This license is granted subject to strict observance of all laws, ordinances and regulations enacted for the protection of the City of Portland so far as they may apply and is to continue in force until 1/31/2014 unless sooner revoked.



Katherine L Jones

City Clerk

**THIS LICENSE IS NOT TRANSFERABLE
PLEASE POST IN A CONSPICUOUS PLACE**