

Submitted 9/3/15.

32 Thomas Street: Compliance with Conditional Use Standards Set Forth in Section 14-103(a)(2)

Alteration of an existing structure to accommodate one or more dwelling units provided that:

- a. No additional dwelling unit shall have less than 600 square feet of floor area, exclusive of common hallways and storage in basement and attic.
 - The proposed units are all greater than 600 sq. ft.
 - The size of the proposed units range from 1,115 sq. ft. to 2,161 sq. ft.
- b. No open stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding 5 years.
 - The fire escape on the south side of the parish house was built more than 5 years ago. It was likely built more than 50 years ago, as evidenced by its current condition. No new fire escapes will be constructed.
- c. The alteration will not result in a total cubic volume increase of more than 10% within the immediate preceding 5 years.
 - The proposed alteration is entirely within the existing structure, so there will be no increase in volume.
- d. A lower level dwelling unit shall have a minimum of ½ of its floor-to ceiling height above the average adjoining ground level.
 - More than ½ of the floor-to-ceiling height of Unit 1 on the first floor is above the adjoining ground level.
- e. No existing dwelling unit shall be decreased to less than 1,000 sq. ft. of floor area.
 - There are no existing dwelling units and all new units will be great than 1,000 sq. ft.
- f. Three thousand square feet of land area per dwelling unit shall be required.
 - The total area of the parcel is 17,998 sq. ft., so there is sufficient land area for 5 dwelling units requiring 15,000 sq. ft. of land area.
- g. The project shall be subject to article V (site plan) for site plan review and approval.
 - An application for subdivision and site plan review has been submitted to the Planning Board.
- h. Parking shall be provided as required in Division 20.
 - The property is listed in the National Register of Historic Places. Therefore, the following exemption to off-street parking requirements in section 14-332.2 applies.
 - (d) *Exception for historic structures:* No parking in excess of that existing on or servicing the lot as of March 15, 1999 shall be required for any structure under Article IX of this chapter, as a contributing structure in a local or National Register historical district, or as a locally designated or National Register landmark building; however, parking may not be decreased from that existing on or servicing the lot on March 15, 1999 except to the extent necessary to meet the requirements of the Americans with Disabilities Act.
 - The proposal for four parking spaces is not a decrease in the 2-3 off-street spaces available as of 1999.

MEMO

Submitted 9/3/15

To: Portland Zoning Board of Appeals, through Chairman Moppin
From: O. E. Delogu, a homeowner at 22 Carroll St. unit #8, Port. ME 04102
Subject: Conditional Use Appeal for five units of housing in the Parish House portion of property located at 26-32 Thomas Street, Port. Me brought by 32 Thomas St. LLC, Mr. Frank Monsour, principal
Date: September 3, 2015

Introductory Note: I apologize to the Chairman and the Board for my absence from the Board's hearing of the above agenda item. Family commitments preclude my presence. I would ask that this memo be made a part of the proceedings on this matter.

Substantive Comment: I support, and fully endorse the expanded residential use of the Parish House before you this evening. Indeed, it has been my view from the outset of Mr. Mansour's acquisition of the property and his dealings with the Planning Board and City Council, that residential use was/is the most appropriate use of this structure.

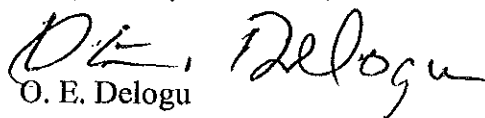
In the housing market that existed in the neighborhood in early 2012 (and more so today) upscale residential units (whether rental or condominium) were/are in great demand. These are long-standing permitted uses in the R-4 zone; such housing is clearly consistent with existing development/uses in the neighborhood; and such housing will more fully (than the contentious, but now permitted office uses) provide the "necessary economic value" that will allow the restorative work Mr. Monsour has laid out to be completed.

In fact, given these practical and economic realities, one wonders why Mr. Monsour has not sought a sixth residential unit in the Parish House. The space is available—a variance of slight dimension is all that would be needed. The economic necessity reasoning of the Law Court relied on to sustain limited office use in the Parish House would sustain the "hardship" requirement for this Board's granting such a limited variance.

In short, the rancor of litigation and the immediate past should not obscure today's economic realities and the opportunity this conditional use application presents. Adding a sixth residential unit in the Parish House makes sense and should be fully explored by Mr. Monsour and the ZBA.

It provides a win/win situation for all concerned—the uncertainties and contentions in the neighborhood with respect to now permitted office uses goes away; the economic base for planned historic renovations is made more secure; alternative office space fully meeting the needs of Majella Technologies is readily available in Portland; the ZBA would be a vehicle for conciliation and acting well within its authority. Think about it.

Respectfully Submitted,


O. E. Delogu