

Wery
Gavin
Geltz
Katsin Riccas

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-4 Residential Zone:

Conditional Use Appeal

DECISION

Date of public hearing: September 3, 2015;

Name and address of applicant: Prof. Frank Monsour / 32 Thomas St. LLC
32 Thomas Street
Portland, ME 04102

Location of property under appeal: 26-32 Thomas Street, Portland, ME 04102

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

MARY Costigan, EPA
Bernstein Skur

Sam D'AMICO - in support of
Residential
Conversion

~~MARY~~
Matthew Winch, Architect, ARCHITECTS
Lisa Newman Garzikian

Sebastian Monsour, FRANK MONSOUR
Exhibits admitted (e.g. renderings, reports, etc.): ^{(1) attendance} - no testimony

Application with Plans

Asking for 2 years for Conditional use

Orlando DeLogu - written statement dated
9-3-15

Findings of Fact and Conclusions of Law:

The applicant, Prof. Frank Monsour, is seeking a Conditional Use in the Conditional R-4 Zone (C57) under § 14-103(a)(2) to add five dwelling units to the existing structure that was previously used as the Parish House for the former Williston West Church.

The project is subject to article V site plan review and approval.

A. Conditional Use Standards pursuant to Portland City Code §14-103(a)(2)

Alteration of an existing structure to accommodate one (1) or more dwelling units is permitted if:

1. No additional dwelling unit has less than six-hundred (600) square feet of floor space, exclusive of common hallways and storage spaces in the basement or attic;

Satisfied Not Satisfied

Reason and supporting facts:

testimony and application show all units above 1000 sq. feet

2. No open outside stairways or fire escapes above the ground floor have been built within the preceding five (5) years;

Satisfied Not Satisfied

Reason and supporting facts:

testimony that existing fire escape predates 5 year period

3. The alteration will not result in a total cubic volume increase of more than ten (10) percent within the immediately preceding five (5) years.

Satisfied Not Satisfied

Reason and supporting facts:

Application + testimony - no cubic increase at all.

4. Any lower level units have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;

Satisfied Not Satisfied

Reason and supporting facts:

testimony + drawings - unit 1 will be 40 inches lower - therefore

5. No existing dwelling unit has had its floor space reduced below one-thousand (1,000) square feet.

Satisfied Not Satisfied

Reason and supporting facts:

Smallest unit at least 1500 sq. feet

6. Each dwelling unit requires a minimum of three-thousand (3,000) square feet of land area.

Satisfied Not Satisfied

Reason and supporting facts:

*Testimony lot is 17,998 sq feet,
requiring 15,000 sq. for 5 dwelling
units.*

7. A minimum of one (1) parking space is provided for each additional unit
Satisfied *no additional parking is necessary*
Not Satisfied *§. 332.2 (d) of the Portland City Code*

Reason and supporting facts:

per the ordinance.

4 spaces are being proposed on-site

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

The Board shall not authorize issuance of a conditional use permit unless there has been a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. Accordingly, the Board shall only grant approval if each of the following is satisfied:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Satisfied Not Satisfied

Reason and supporting facts:

testimony that this is residential area.

no more traffic than normal.

Public testimony did not raise concerns about traffic / parking.

2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Satisfied Not Satisfied

Reason and supporting facts:

Trash to be collected in enclosed area.
Public Sentiment in support of
the project with no concerns stated.

3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Satisfied Not Satisfied

Reason and supporting facts:

Plans are subject to site plan +
Historic Preservation Review.

Conclusion: (check one)

Cert 2 Gavin

Option 1: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the application with a 2 plan extension.

