

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Attendance:
Erik Larsson
Gardie Smith
Sara Moppin
Bill Getz

R-4 Residential Zone Additional Dwelling Units

Conditional Use Appeal

DECISION

Date of public hearing: April 4, 2013

Name and address of applicant: Ford Reiche
100 Middle Road
Cumberland, ME

Location of property under appeal: 223 Western Promenade
Tax Map 063, Block E, Lot 5

For the Record:

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

Ford Reiche, Buyer
John Turk, Architect

Exhibits admitted (e.g. renderings, reports, etc.):

Greater Portland Landmarks letter dated
March 28, 2013

Western Promenade Neighborhood Association
letter dated April 1, 2013

Findings of Fact and Conclusions of Law:

The applicant is seeking conditional use approval to add two dwelling units to the existing two-family building for a total of four dwelling units.

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

1. No additional dwelling unit shall have fewer than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic.

Satisfied Not Satisfied

Reason and supporting facts:

There are no common ^{hallways or} corridors. Unit 1 is 3475 sq. ft. Unit 2 is 2400 sq. ft. Unit 3 is

2. No open outside stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding five (5) years

Satisfied Not Satisfied

Reason and supporting facts:

There ~~are~~ will be and are no open outside stairways or fire escapes above the ground floor.

1500 sq. ft.
Unit 4 is 1300 sq. ft.

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:

The cubic volume will be reduced by this alteration. Property has been vacant for almost 5 years.

4. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level.

Satisfied Not Satisfied

All proposed units will have primary living space on 2nd floor or above and

square footage calculation

Reason and supporting facts:

see previous page

5. No existing dwelling unit shall be decreased to fewer than one thousand (1,000) square feet of floor area.

Satisfied Not Satisfied

Reason and supporting facts:

Smallest unit is 1300 square feet per plans and testimony.

6. Three thousand (3,000) square feet of land area per dwelling unit shall be required.

Satisfied Not Satisfied

Reason and supporting facts:

Application reflects a total of 14,500 sq. feet, which is more than the 12,000 required.

7. Parking shall be provided as follows: 1 off-street parking space per new unit (14-332(a)(2))

Satisfied Not Satisfied

Reason and supporting facts:

Each unit will have 1 off-street parking space. In any event, there is an exception in the ordinance for parking in this zone. With a proposed new curb cut shown on plans.

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

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes No

ordinance for parking in this zone.

Reason and supporting facts:

Proposed use is compatible with existing residential neighborhood. Western Pram Neighborhood Association and

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes

No

Greater Portland Landmarks ~~are~~ have

Reason and supporting facts:

Per testimony and letters of support, ~~improvements with~~ project will improve vacant, derelict, ~~unheated~~ property. Conditional use will bring

provided letters of support. Proposed use is historically compatible.

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes

No

Fit back into habitable condition

Reason and supporting facts:

The use of property as 4-unit residential building will be similar to neighboring multi-unit uses per applicant-submitted photographs.

Conclusion: (check one)

Option 1: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

4-0 Vote

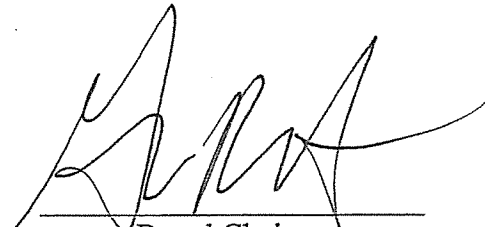
Option 2: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

in favor of approval

___ Option 3: The Board finds that not all of the standards (1 through 7) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Please note that, pursuant to Portland City Code 14-88(a)(2)(i), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval.

Dated: 4.4.13



Board Chair