

**CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS**

Joseph Zamboni
William Getz
Donna Katsi
Eric Larsen
Kent Avery

R-4 Residential Zone:

Conditional Use Appeal

DECISION

Date of public hearing: June 2, 2016;

Name and address of applicant: Attardo Pondelis Architecture o/b/o
Sam and Alexandra May
81 Bridge St., Suite 402
Yarmouth, ME 04096

Location of property under appeal: 100 Vaughan Street, Portland, ME 04102

For the Record:

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

Stephen Pondelis
Paul Attardo
Attardo Pondelis Architecture
Yarmouth, ME

Bernadine
Carroll / Chadwick St.
Carroll

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

Application w/ its Exhibits

Findings of Fact and Conclusions of Law:

The applicant is seeking a Conditional Use in the R-4 Residential Zone under § 14-103(a)(2) to alter the existing single-family dwelling to create two single-family condominium units.

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 as a conditional use provided:

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 of application note each unit greatly exceed 600 sq ft.

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:

no outside stairways exist, no plans to have any.

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:

NO increase in volume per application, & hasn't been in last 5 years.

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:

no units below ground; storage space below ground

5. No existing dwelling unit's floor space is reduced below one-thousand (1,000) square feet.

Satisfied Not Satisfied

Reason and supporting facts:

Each unit will exceed 2,900
Sq feet.

6. Each dwelling unit has at least three-thousand (3,000) square feet of land area.

Satisfied Not Satisfied

Reason and supporting facts:

Application indicates one unit
will have 5,813 ft², the other
unit 6,907 ft².

7. A minimum of one (1) additional parking space is provided for the additional unit, or there exists a minimum of three (3) parking spaces for the present unit.

Satisfied Not Satisfied

Reason and supporting facts:

Adding 2 additional parking spaces;
There are 2 existing spaces in
the garage (a total of 4 will exist)

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:

Plans + testimony - not a great impact on
the neighborhood. Residential traffic.
There are other multi-unit buildings
in the neighborhood.

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:

This is a residential use - no
indication it will create any of
these conditions.

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:

This is a residential use. No evidence that any of these ~~issues~~ issues would be of concern. There are other multi-unit buildings ~~here~~ in the area.

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 all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the application.

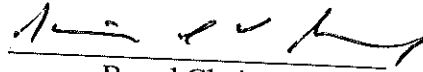
Larsson, City

Option 2: The Board finds that while all of the standards (1 through 7) described in section A above have been satisfied, and that while all standards (1 through 3) described in section B above are satisfied, 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:

___ 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 not all of the standards (1 through 3) described in section B have been satisfied, and therefore DENIES the application.

Dated:

June 2, 2016


Board Chair