



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

Heather Thompson / Mario Proia
NAME

Ten Pin LLC
BUSINESS NAME

9 Adams St. Peaks Island
BUSINESS ADDRESS

207-653-1392 heather@tjwhome.com
BUSINESS TELEPHONE & E-MAIL

Owners

APPLICANT'S RIGHT/TITLE/INTEREST

Retail and Personal Service
CURRENT ZONING DESIGNATION

I-B

EXISTING USE OF THE PROPERTY:

2 unit residential

Subject Property Information:

2 Island Ave, Peaks Island
PROPERTY ADDRESS

84-R-30
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

PHONE # AND E-MAIL

RECEIVED

CONDITIONAL USE AUTHORIZED
SECTION 14- 224(a)

MAY 15 2017

14-332

Dept. of Building Inspections
City of Portland Maine

TYPE OF CONDITIONAL USE PROPOSED:

Mixed use 4 residential apartments, one office + storage
for residential construction company

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. 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; and
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, and
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 of other allowable uses in the 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.

Heather Thompson / Mario Proia
SIGNATURE OF APPLICANT

5-15-17

DATE

Ten Pin LLC
9 Adams Street
Peaks Island, ME 04108
heather@tjwhome.com 207-653-1392

Zoning Board of Appeals
389 Congress St, Portland ME 04101

5-15-17

Conditional Use Appeal Application: 2 Island Ave, Peaks Island

To Whom It May Concern:

Please accept this application to change the use of 2 Island Avenue on Peaks Island. The building is currently a legal two-unit residential apartment building in the I-B zone on Peaks Island. We are applying to change the use of 2 Island Ave from a two-unit apartment building to a four-unit residential apartment building with one business office/storage space. The two new apartments and the office/storage area will be built within the existing structure; no additions or expansions of the envelope are required to make space for the additional units. The additional parking required for the new units will be provided by expanding the existing parking area that is shown on the drawings. We are requesting that we are granted 18 months to finalize the conditional use change.

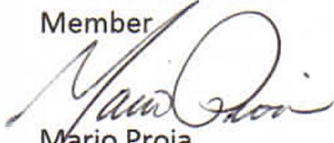
This change of use is permitted under section 14-224 of Portland's zoning ordinance.

Thank you,



Heather Thompson

Member



Mario Proia

Member

Ten Pin LLC
9 Adams Street
Peaks Island, ME 04108
heather@tjwhome.com 207-653-1392

Zoning Board of Appeals
389 Congress St, Portland ME 04101

11-16-16 Rev 5-15-17

Memo Regarding Conditional Use Appeal Application: 2 Island Ave, Peaks Island

To Whom It May Concern:

This memo will describe how the proposed changes to 2 Island Ave meet the conditions for the Conditional Use Appeal.

Conditions:

a. 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;

We are proposing 4 residential apartments and one office with storage. Any traffic created by the inhabitants of the apartments and office will be consistent with traffic in the IR-2 zone and the I-B zone which includes the Inn on Peaks Island, the Lions Club (right next door), the Island House Restaurant (2 properties down Island Ave), the Ice Cream Shop, Peaks Café and Hannigan's Island Market. The proximity to the ferry greatly reduces the need for a vehicle for inhabitants of the apartments. The office will operate from 8 to 5, this is consistent with other businesses on the Island and will create very little vehicle traffic.

The proposed office/storage area does not need conditional use approval; it is allowed "by right" under Sec 14-223(b). In addition, the parking requirement is not part of the conditional use review and will be dealt with during the later permitting/subdivision phase.

b. 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;

The building is served by public sewer, and the apartments will confirm to City of Portland building code. There will be no excess noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter created by the operation of the office and or the residential apartments.

c. 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.

There are no new proposed structures. All business-related activity will happen during business hours. Waste generation will be consistent with residential activity, office waste will be minimal (paper recycling, minimal trash). Any new signs will be minimal, unlighted. Materials will be stored within the building.

Sec. 14-224. Conditional uses.

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

(a) Two-, three- or four-family dwelling, provided that:

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

There is a permitted outside fire escape that serves the 2nd floor apartment in the front of the building. The fire escape was built in 2000.

2. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;

The proposed grade level apartment sits at grade and has direct access to the outside.

3. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-224 Rev.1-18-2012 14-289 least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone;

The abutting residential zone, IR-2, does not have a density requirement.

4. Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height shall be compatible with neighboring properties;

There are no exterior alterations currently planned. Any future changes in cladding materials/windows/roof pitch/form/ height will be consistent with the residential buildings on Peaks Island (clapboards/gable end roof) and will meet current building and zoning requirements.

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

The 2 existing apartments will not be reduced from their current sizes.

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

Both proposed units are larger than 600 sf.

7. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations;

The building is served by public sewer and water.

8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources;

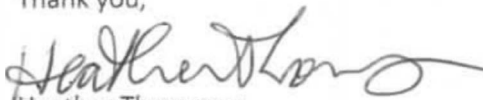
The building is served by public sewer and water.

Additional Notes:

The proposed storage area #2 is meant to be storage for the adjacent apartment, it will not be rented separately from the apartment.

We are requesting that this conditional use change be granted for the maximum time allowable, 18 months from date of approval.

Thank you,



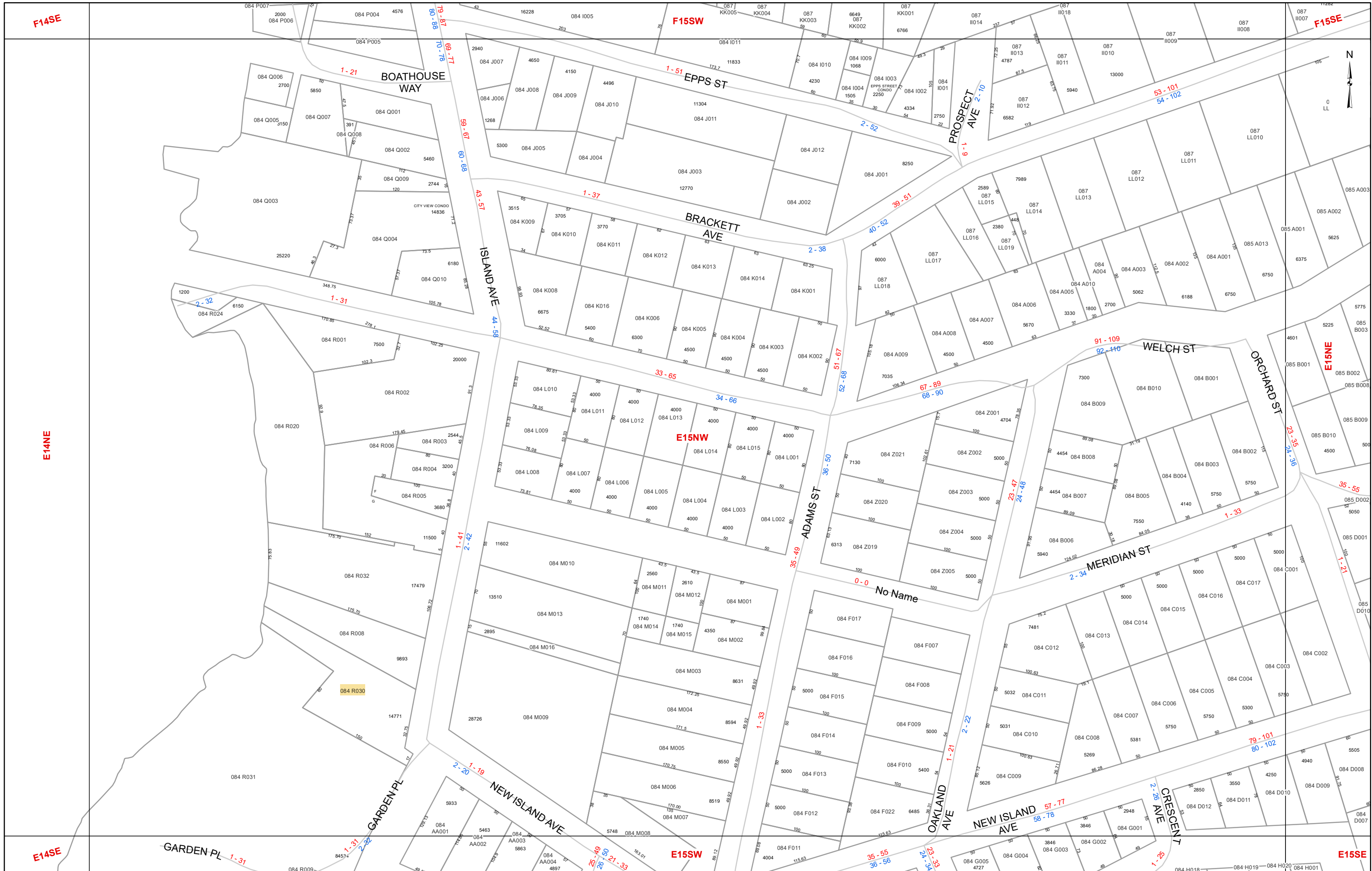
Heather Thompson

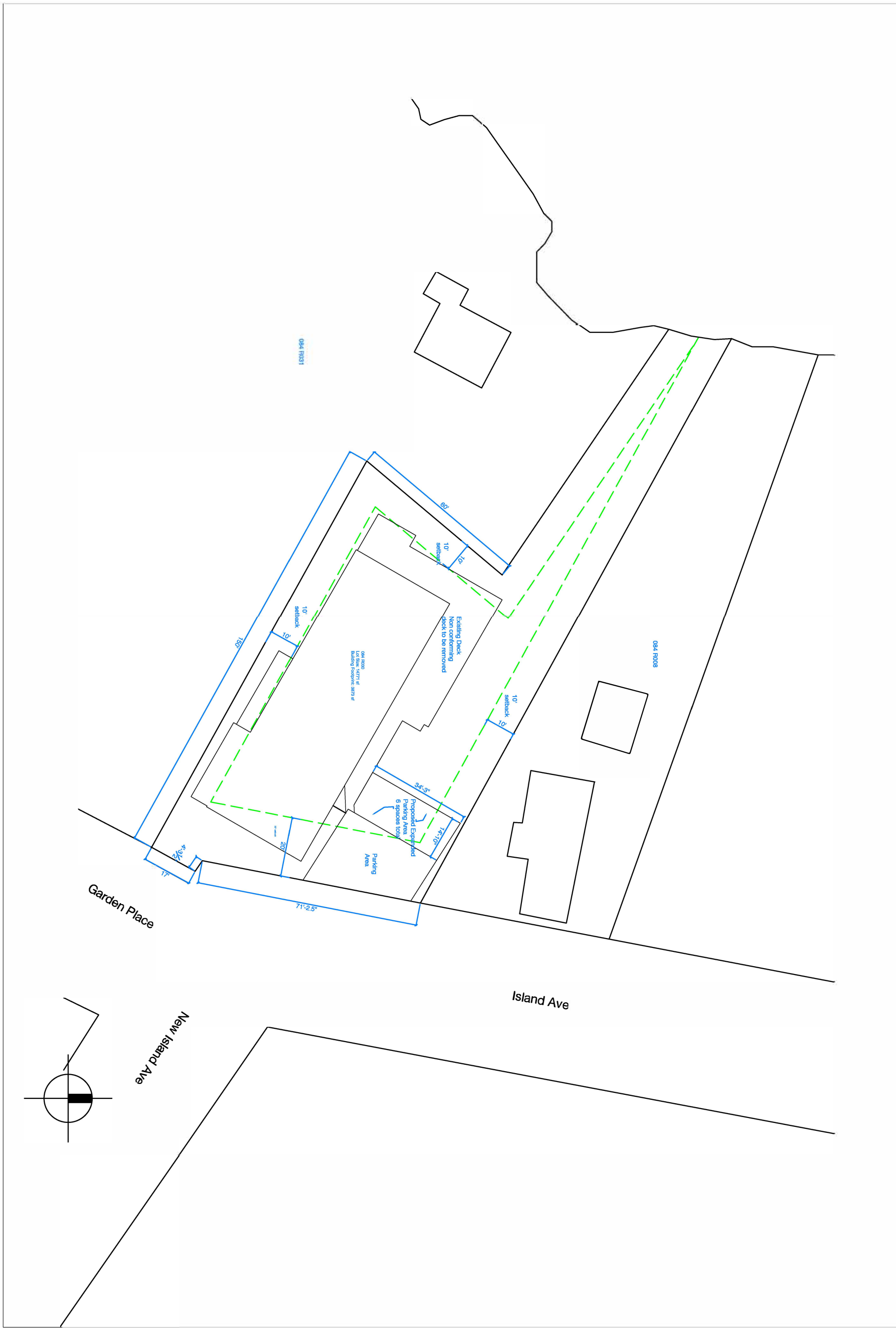
Member



Mario Proia

Member





PROJECT

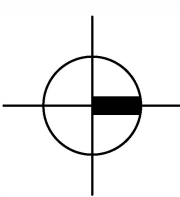
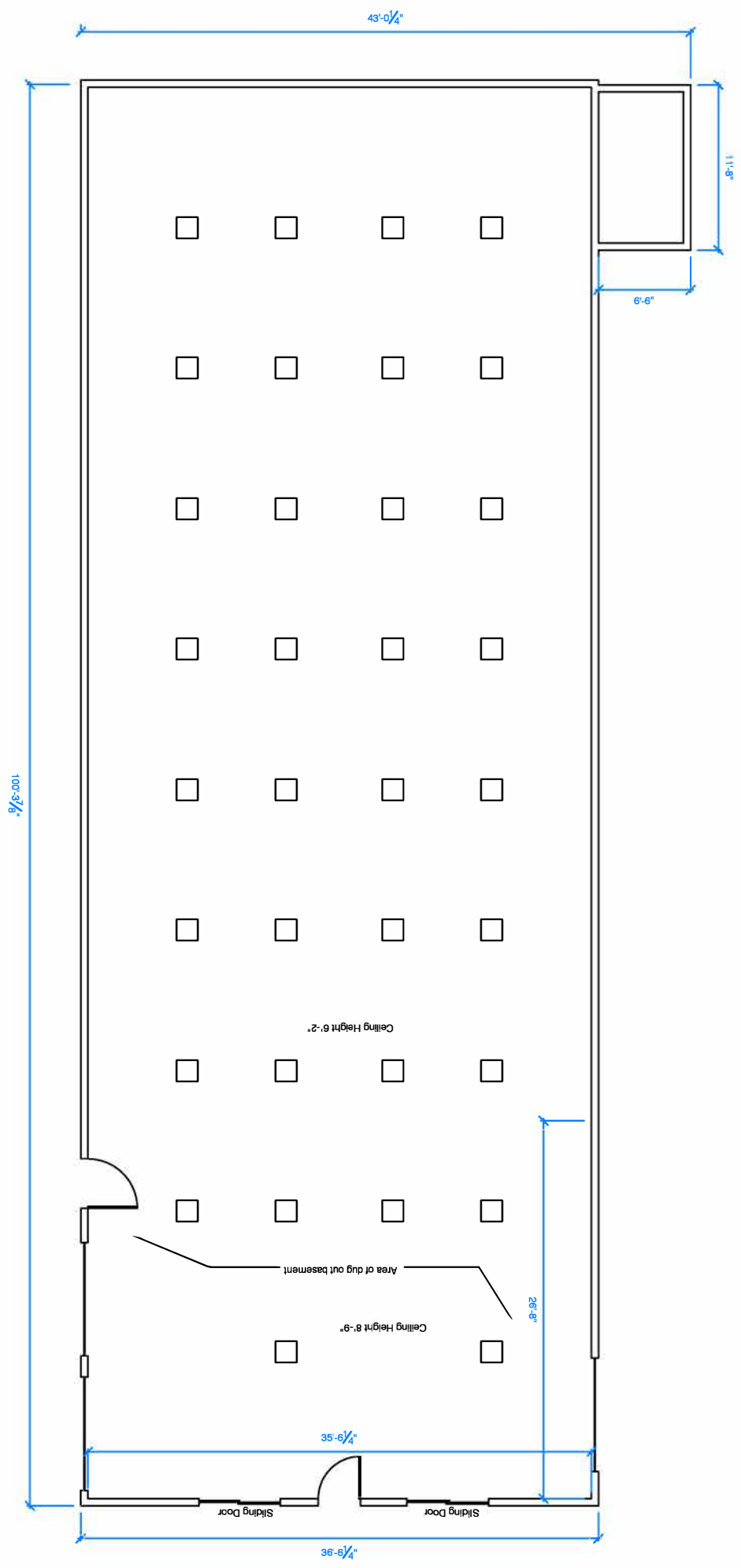
**2 Island Ave.
Peaks Island, ME**

DATE	NOTES
11-13-2016	
REVISED	
1/32" = 1'	

Ten Pin LLC
 9 Adams St
 Peaks Island, ME 04108
 207-653-1392
 heather@tjwhome.com

A

Existing Basement



2

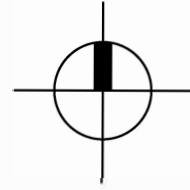
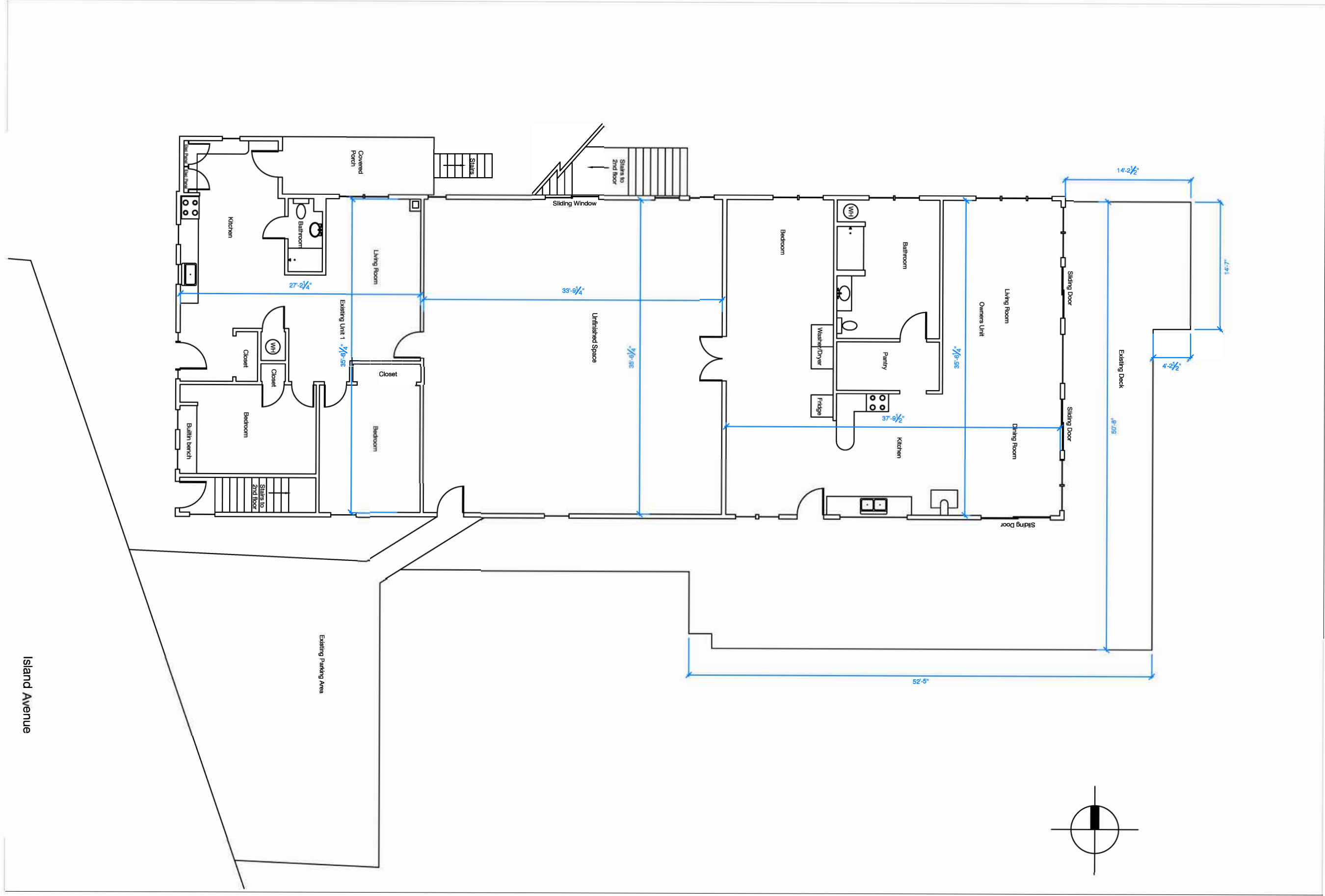
Existing Basement

PROJECT
2 Island Ave.
Peaks Island, ME

DATE	NOTES
11-13-2016	
REVISED	
3/3/21 = 1"	

Ten Pin LLC
 9 Adams St
 Peaks Island, ME 04108
 207-653-1392
 heather@tjwhome.com

A Existing First Floor



PROJECT

2 Island Ave.
Peaks Island, ME

DATE

11-13-2016

REVISED

NOTES

3/32" = 1'

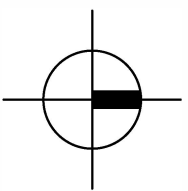
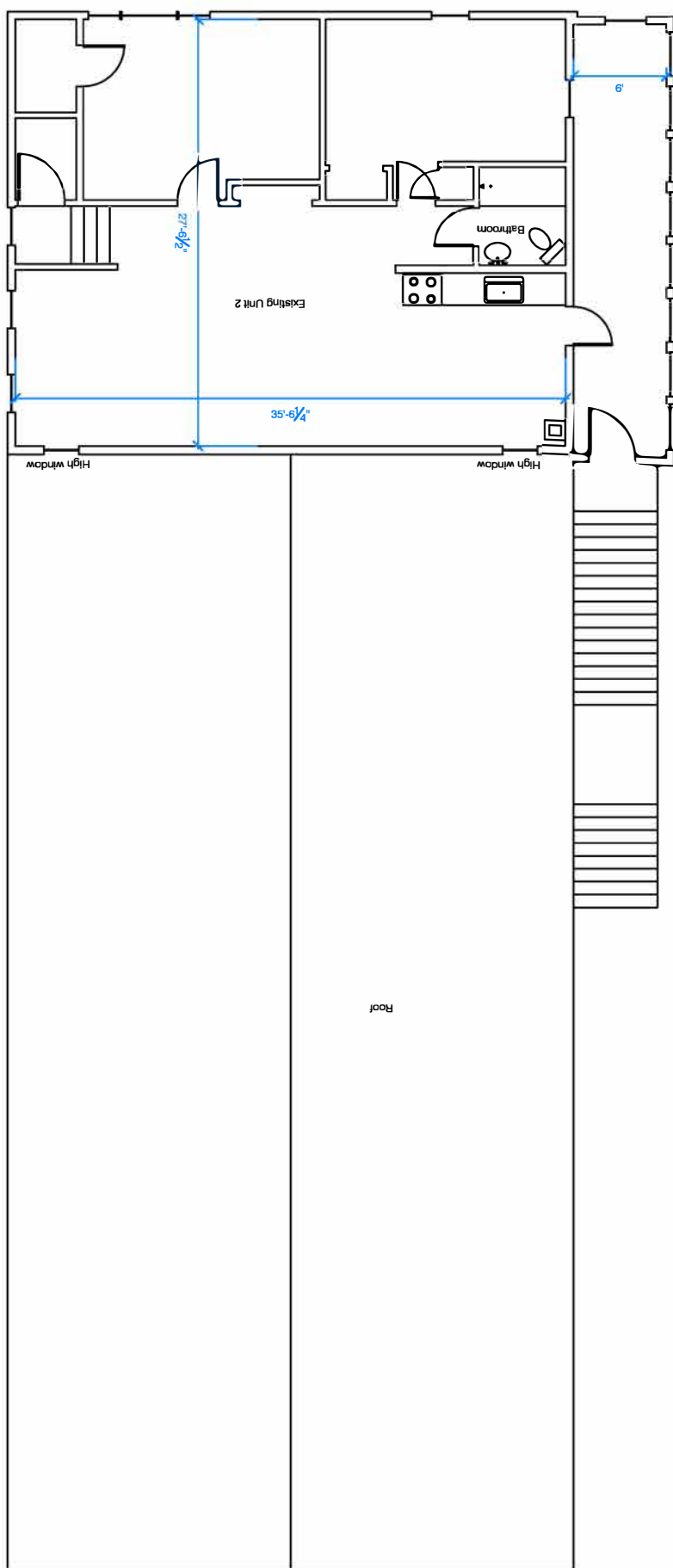
3

Existing
First Floor

Ten Pin LLC
9 Adams St
Peaks Island, ME 04108
207-653-1392
heather@tjhome.com

A

Existing Second Floor



4

Existing Second Floor

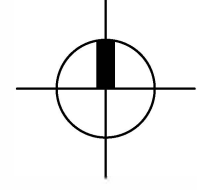
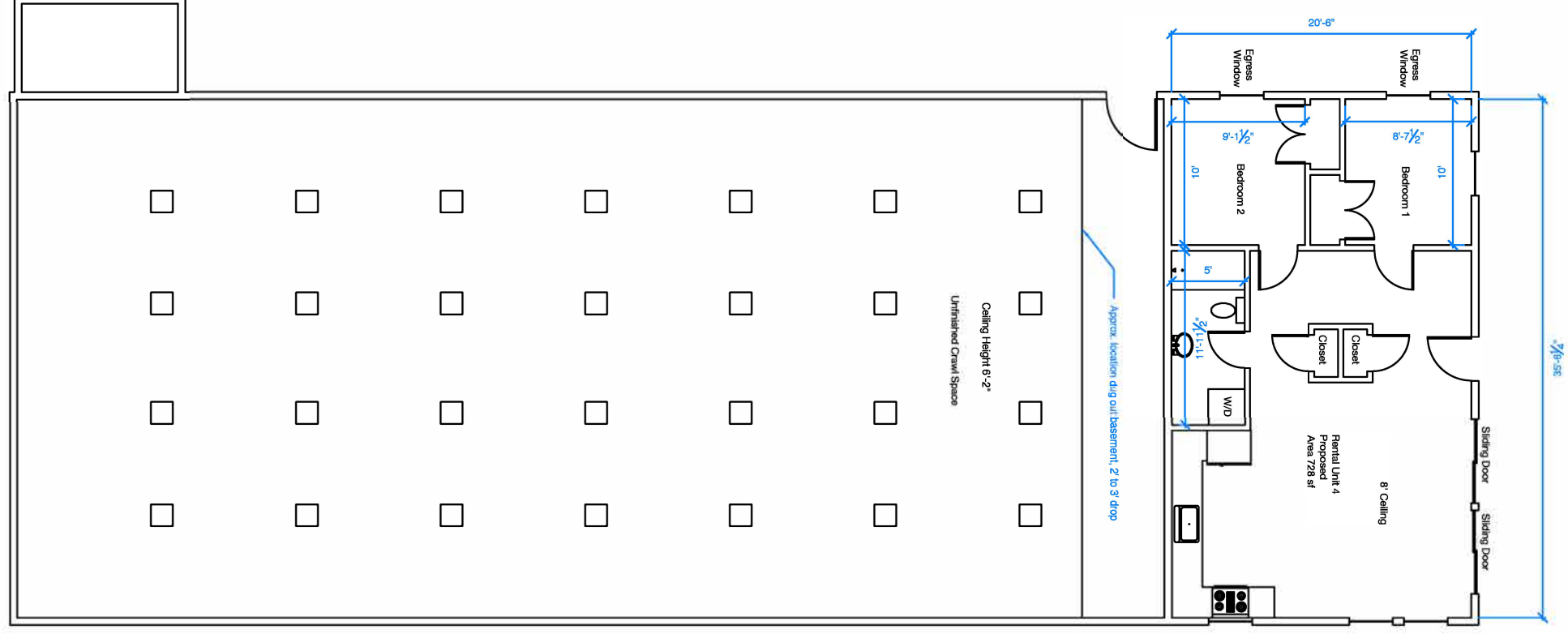
PROJECT

**2 Island Ave.
Peaks Island, ME**

DATE	NOTES
11-13-2016	
REVISED	
3/32" = 1'	

Ten Pin LLC
 9 Adams St
 Peaks Island, ME 04108
 207-653-1392
 heather@tjwhome.com

A Proposed Basement



PROJECT

2 Island Ave.
Peaks Island, ME

DATE
11-13-2016

REVISED

DATE	11-13-2016	NOTES
REVISED		

3/32" = 1'

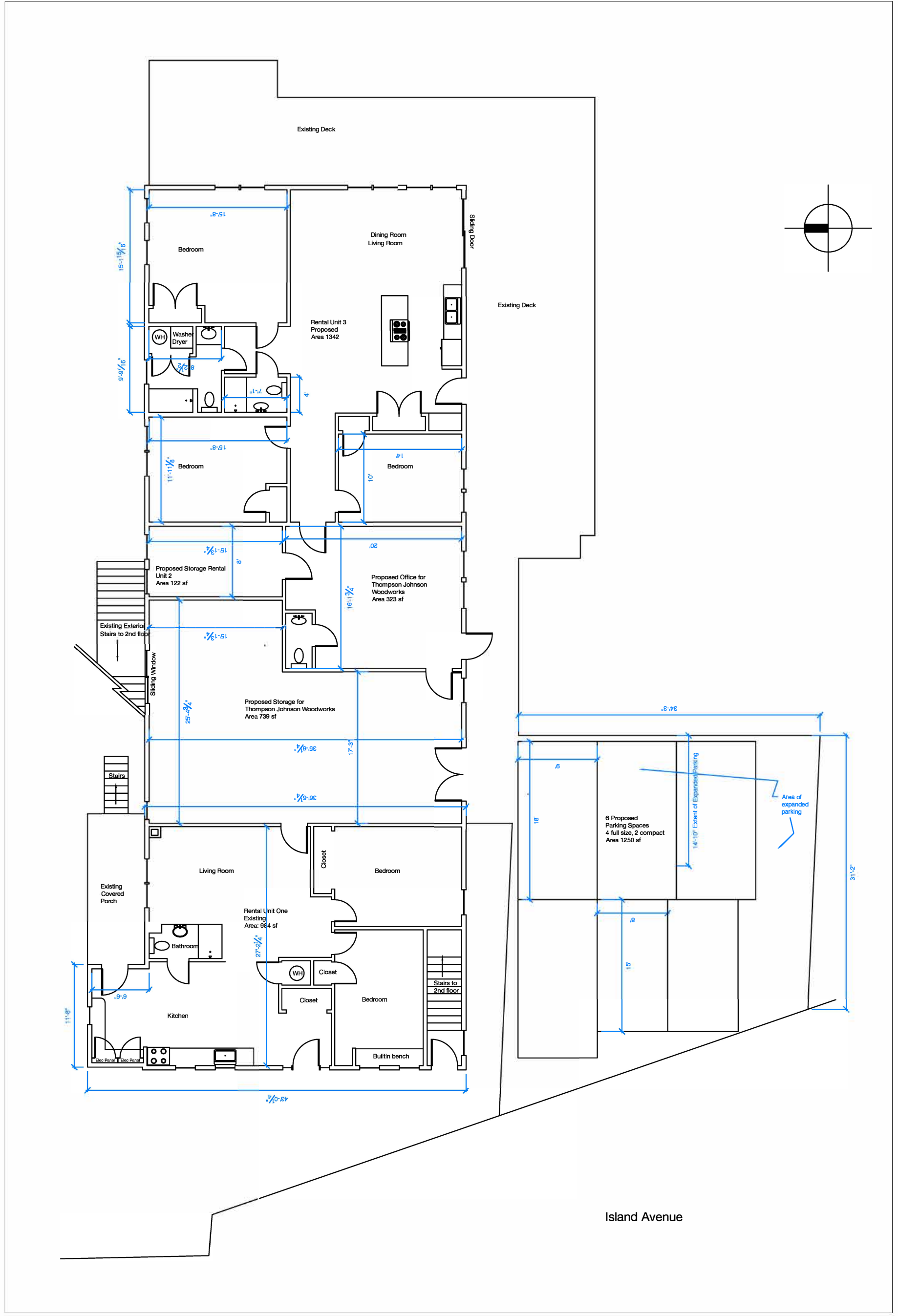
Ten Pin LLC
9 Adams St
Peaks Island, ME 04108
207-653-1392
heather@tjwhome.com

2 Island Ave.
Peaks Island, ME

PROJECT

Ten Pin LLC
9 Adams St
Peaks Island, ME 04108
207-653-1392
heather@tjwhome.com

DATE	11-13-2016
REVISED	
NOTES	
	3/32" = 1"

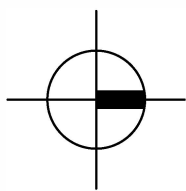
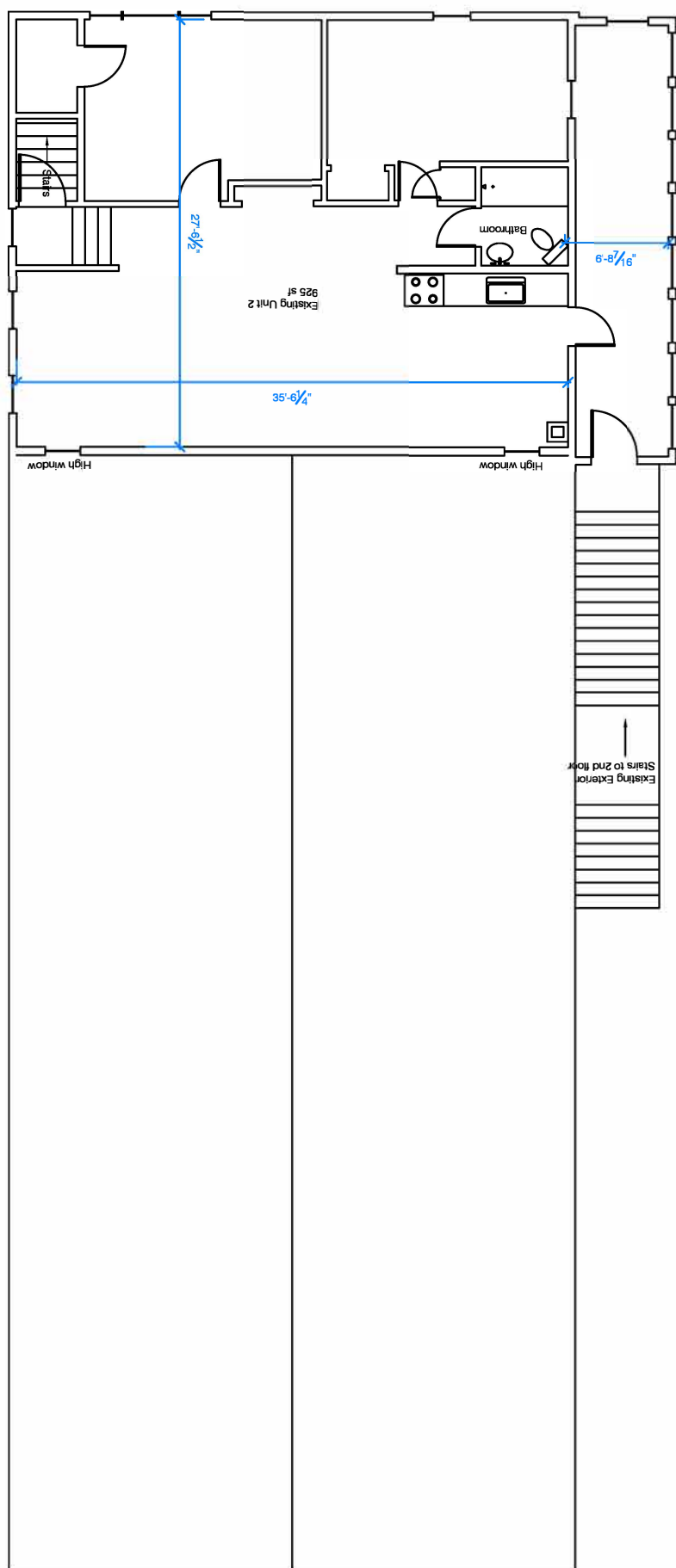


A Proposed First Floor

Island Avenue

A

Proposed Second Floor



7

Proposed Second Floor

PROJECT

**2 Island Ave.
Peaks Island, ME**

DATE	NOTES
11-13-2016	
REVISED	
3/32/16	

Ten Pin LLC
 9 Adams St
 Peaks Island, ME 04108
 207-653-1392
 heather@tjwhome.com

2 Island Avenue, Peaks Island Me, 04108



Front (street side)



Front (street side)



Right Side



Right Side

2 Island Avenue, Peaks Island Me, 04108



Back (water side)



Back (water side)



Left Side



Left Side

(SPACE ABOVE RESERVED FOR RECORDING INFORMATION)

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS that **Carolyn T. Parker**, of Peaks Island, Cumberland County, State of Maine, for consideration paid, grant to **Ten Pin LLC**, a Maine limited liability company having a mailing address of 9 Adams Street, Peaks Island, Portland, Maine 04108 with **WARRANTY COVENANTS**, the land in the City of Portland, Peaks Island, in the County of Cumberland and State of Maine, described as follows:

CERTAIN LOTS or parcels of land with the buildings thereon, situated on Peaks Island, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

PARCEL ONE: BEGINNING at a point in the westerly sideline of Garden Place, so-called, as delineated on Plan of Greenwood Garden dated January, 1948 and recorded in Cumberland County Registry of Deeds in Plan Book 33, Page 33, which point is seventeen (17') feet southwesterly from the northerly corner of said Garden Place as shown on said plan, said point being the place of beginning in a deed from Henry S. Hoar to A. Franklin Trask; then northeasterly along the westerly sideline of Garden Place seventeen (17') feet to the said northerly corner of Garden Place; then northwesterly four and twenty-seven hundredths (4.27') feet to a stake; thence northeasterly thirty-two and seventy-five hundredths (32.75') feet to a stake; thence northwesterly one hundred twenty five (125') feet to a stake and land sold to said Trask; then southwesterly along the easterly sideline of land of said Trask, sixty (60') feet to a stake; thence southeasterly one hundred fifty (150') feet to the point of beginning.

PARCEL TWO: A CERTAIN LOT or parcel of land beginning at a point marked by a nail in the blacktop on the westerly sideline of Island Avenue, which said point is the most easterly corner of land conveyed to Patrick J. and Patricia M. Keane by Martin L. Childs, Jr. by deed dated April 1, 1974 and recorded in Book 3527, Page 49 of the Cumberland County Registry of Deeds, the description in said deed being corrected by a subsequent deed from the said Martin L. Childs, Jr. to the said Keanes by deed dated September 6, 1978 and recorded in Book 4298, Page 249 of the Cumberland County Registry of Deeds, the description in said deed being further corrected by a subsequent deed from Edward J. DiMillo to said Keanes dated July 7, 1983 and recorded in Book 6233, Page 317; thence northeasterly along the westerly sideline of said Island Avenue a distance of thirty-eight and forty-six hundredths feet (38.46') to a point and land now or formerly owned by Hannah Paine Johnson; thence at an angle of one hundred fourteen degrees thirty minutes

MAINE REAL ESTATE TAX PAID

with the aforementioned bound in a northwesterly direction, parallel to the northeasterly bound of said land conveyed to said Keanes by said Martin L. Childs, Jr. and by said Edward J. DiMillo, a distance of two hundred eight feet (208') more or less, to a point in the high water line of Casco Bay; then southwesterly along said high water mark of Casco Bay to a point in land now or formerly owned by the Lions Club, which said point would be situated in line with the northeasterly boundary line of said land conveyed to said Keanes by deed recorded in said registry of deeds in Book 3527, Page 49 if said northeasterly boundary were extended in a northwesterly direction in its same courses to the high water mark of Casco Bay; thence eight-five feet (85') more or less, and parallel to the second mentioned bound herein, in a southeasterly direction to an iron pipe in the most northerly corner of said land conveyed to said Keanes by Martin L. Childs, Jr., thence continuing in the same course along the northeasterly boundary of said land previously conveyed to the said Keanes a distance of one hundred twenty-five feet (125') to the point of beginning.

MEANING AND INTENDING to describe all those same premises conveyed to Carolyn T. Parker by Patrick J. Keane and Patricia M. Keane dated July 28, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6233, Page 314.

The premises are conveyed subject to any easements and restrictions of record, and together with all rights, easements, privileges and appurtenances belonging to the premises described herein.

WITNESS my hand and seal this 20th day of January 2017.

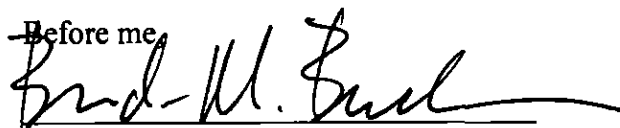

Witness


Carolyn T. Parker

STATE OF MAINE
COUNTY OF CUMBERLAND

January 20, 2017

Personally appeared the above named **Carolyn T. Parker** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Brenda M. Buchanan
Attorney-at-Law
Maine Bar #7042

After recording return to:
Ten Pin LLC
9 Adams Street
Portland, Maine 04108

Received
Recorded Register of Deeds
Jan 20, 2017 12:33:18P
Cumberland County
Nancy A. Lane

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected.

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Current Owner Information:

Services

- [Applications](#)
- [Doing Business](#)
- [Maps](#)
- [Tax Relief](#)
- [Tax Roll](#)
- [Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

CBL 084 R030001
Land Use Type RETAIL & PERSONAL SERVICE
Verify legal use with Inspections Division
Property Location 2 ISLAND AVE
Owner Information TEN PIN LLC
 9 ADAMS ST
 PEAKS ISLAND ME 04108
Book and Page 33775/177
Legal Description 84-R-30
 ISLAND AVE 2
 GARDEN PLACE 1-3
 PEAKS ISLAND 14771 SF

Current Rental Registration Yes
Acres 0.3391

Current Assessed Valuation:

TAX ACCT NO.	12832	OWNER OF RECORD AS OF APRIL 2016
LAND VALUE	\$304,900.00	PARKER CAROLYN T
BUILDING VALUE	\$159,600.00	
HOMESTEAD EXEMPTION	(\$15,000.00)	2 ISLAND AVE
NET TAXABLE - REAL ESTATE	\$449,500.00	PEAKS ISLAND ME 04108
TAX AMOUNT	\$9,488.96	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1

Year Built 1921
Style/Structure Type
Units 2
Square Feet 4680

[View Sketch](#) [View Map](#) [View Picture](#)

Exterior/Interior Information:

Building 1

Levels 01/01
Size 2196
Use MULTI-USE STORAGE
Height 14
Walls FRAME
Heating NONE
A/C NONE

Building 1

Levels 01/01
Size 1440
Use APARTMENT
Height 14
Walls FRAME
Heating ELECTRIC
A/C NONE

Building 1

Levels 02/02

Size 1044
Use APARTMENT
Height 8
Walls FRAME
Heating ELECTRIC
A/C NONE

Other Features:

Building 1
Structure POST OFFICE FIN
Size 7X18

Building 1
Structure PORCH - ENCL
Size 7X11

Building 1
Structure WOOD DECK
Size 12X47

Building 1
Structure PORCH - COVERED UPPER
Size 7X29

Building 1
Structure PORCH - COVERED
Size 7X18

Sales Information:

Sale Date	Type	Price	Book/Page
1/20/2017	LAND + BUILDING	\$643,293.00	33775/177

[New Search!](#)



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

December 5, 2016

Heather Thompson & Mario Proia
9 Adams Street
Peaks Island, ME 04108

Re: 2 Island Ave, Peaks Island, ME 04108; 84-R-3; I-B Island Business Zone

Dear Ms. Thompson and Mr. Proia:

On December 1, 2016, the Zoning Board of Appeals voted 6-0 to grant the Conditional Use Appeal to convert an existing two-family dwelling to a four-family dwelling. I am enclosing a copy of the Board's decision.

Now that the conditional use appeal has been approved, you will need to apply for a Commercial Change of Use Permit (<http://me-portland.civicplus.com/DocumentCenter/Home/View/2301>) to change the property from a two-family dwelling to a four-family dwelling, and for any necessary interior construction or alterations. Under Section 14-474(f) of the ordinance, you have six months from the date of the meeting (December 1, 2016), to obtain the permit and start any construction work, or your Zoning Board approval will expire.

The addition of new dwelling unit(s) also requires approval under the Site Plan review process, which is handled by the city's Planning Department. Please contact Development Review Manager Barbara Barhydt at (207) 874-8699 or bab@portlandmaine.gov to determine what level of review will be required. The Site Plan approval will be needed before a building permit can be issued.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions, please contact me at (207) 874-8695 or cstacey@portlandmaine.gov.

Sincerely,

Christina Stacey
Zoning Specialist

cc: file

Mazer
Gavin
hansson
Avery
Katsifias
Zamboni

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

I-B – Island Business Zone
Conditional Use Appeal

DECISION

Date of public hearing: December 1, 2016

Name and address of applicant: Heather Thompson & Mario Proia
9 Adams Street, Peaks Island
Portland, Maine 04108

Location of property under appeal: 2 Island Avenue, Peaks Island
CBL 084 R030001

For the Record:

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

Heather Thompson
Mario Proia
9 Adams St.
Peaks Island

Jessica Burton
Peaks Island
Supports application

Lawrence Mott
Peaks Island
Supports Application

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

Application and Exhibits

Findings of Fact and Conclusions of Law:

The applicants are seeking a conditional use permit pursuant to § 14-224(a) of the City of Portland Code of Ordinances to convert an existing two-family dwelling to a four-family dwelling. The Board has authority to consider a conditional use permit application pursuant to § 14-474(a).

Four-family dwellings are permitted in the I-B Zone if they meet all of the requirements of § 14-224(a)(1) – (8), as well as the requirements of § 14-474(c).

Findings:

1. No open outside stairways or fire escapes above ground floor will be constructed or has been constructed in the immediately preceding five (5) years. § 14-224(a)(1).

Satisfied Not Satisfied

Reason and supporting facts:

Application indicates fire escape built in 2000. No other fire escapes planned.

2. A below-grade dwelling unit, if any, must provide access directly to the outside of the building. § 14-224(a)(2).

Satisfied Not Satisfied

Reason and supporting facts:

Application says there will be at grade dwelling unit and access will be provided.

3. The lot meets the required density. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone. § 14-224(a)(3).

Satisfied Not Satisfied

Reason and supporting facts:

Nearest applicable residential zone is IR2, law court has said there is no legal density requirement. Testimony of 2 witnesses that density is consistent with what is on Island.

4. Any additions or exterior alterations will be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height will be compatible with neighboring properties. § 14-224(a)(4).

Satisfied Not Satisfied

Reason and supporting facts:

No exterior alterations are planned.

5. No existing dwelling unit will be decreased to less than one thousand (1,000) square feet of floor area. § 14-224(a)(5).

Satisfied Not Satisfied

Reason and supporting facts:

2 existing apartments won't be reduced in size.

6. No additional dwelling unit will have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic. § 14-224(a)(6).

Satisfied Not Satisfied

Reason and supporting facts:

new Units will be larger than 600 S.Q.Ft.
(728 sq feet + 1342 sq. ft)

7. All sanitary waste will be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations. § 14-224(a)(7).

Satisfied Not Satisfied

Reason and supporting facts:

Property is served by public sewer

8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources. § 14-224(a)(8).

Satisfied Not Satisfied

Reason and supporting facts:

Property served by public water
No burden on groundwater
resources

9. 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. This standard is satisfied if all of the following are met. § 14-474(c).

- a. 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:

No cars needed due to close proximity to ferry landing. Some of the surrounding uses generate more vehicular traffic than what is proposed.

- b. 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:

Residential use consistent with other residential use in the area. Not likely to cause used harmful conditions.

- c. 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:

Design + proposed use will remain residential. No significant alterations planned. Surrounding properties are Quasi-commercial.

