

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Kent Avery, Chair
Donna Katsiaficas, Secretary
Robert Bartels
Eric Larsson
Benjamin McCall
Joseph Zamboni

ZONING BOARD OF APPEALS DECISIONS FROM SEPTEMBER 21, 2017

To: City Clerk
From: Christina Stacey, Zoning Specialist
Date: September 25, 2017
RE: Action taken by the Zoning Board of Appeals on September 21, 2017

Attendance: Kent Avery (chair), Joseph Zamboni (acting secretary), Eric Larsson, Benjamin McCall and Robert Bartels present; Donna Katsiaficas absent.

1. New Business:

- A. Interpretation Appeal:** 37 Ballfield Road, Thomas Covington Johnson, owner, Tax Map 88, Block I, Lots 006, 007, 008, 009, 010, 011, 013, 014, 015, 016, 022 and Tax Map 88, Block J, Lots 001, 002 and 003; and 90 Ballfield Road, Island Bay Services, owner, Tax Map 88, Block J, Lot 006; IR-1 Island Residential Zone and Shoreland Zone: The applicant is challenging a Notice of Violation dated March 20, 2017 that cited the property owners for the construction of eleven buildings without permit approval on the properties [Section 14-463] and for parking a commercial trailer on the properties in a zone where not permitted [Section 14-335(e)]. Representing the appeal is Thomas Covington Johnson and Nicholas Bull, Esq. *The Board of Appeals voted 5-0 to deny the interpretation appeal and uphold the Zoning Administrator's Notice of Violation and Order to Correct for Section 14-463. The Board of Appeals voted 5-0 to deny the interpretation appeal and uphold the Zoning Administrator's Notice of Violation and Order to Correct for Section 14-433(e).*
- B. Conditional Use Appeal:** 79 Clinton St, EZ Spanish Immersions, LLC, owner, Tax Map 136, Block B, Lot 004, R-5 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-118(a)(5) to gain approval for an existing third dwelling unit in its building. The current legal use of the building is a two-family. Representing the appeal is Erik Zavasnik of EZ Spanish Immersions, LLC. *The board voted 5-0 to grant the Conditional Use Appeal to add a third dwelling unit to the existing legal two-family dwelling.*
- C. Variance Appeal:** 630 Ocean Avenue, Cedars Nursing Care Center, Inc. and JHA Assisted Living, Inc., owners, Tax Map 170, Block A, Lot 020 and Tax Map 174, Block A, Lot 013, R-5 Residential Zone and R-3 Residential Zone: The applicants are seeking a variance to construct a new building with a height of approximately 42 feet, which would exceed the 35-foot maximum building height limitation for these zones [Sections 14-90(g) and 14-120(a)(7)]. Representing the appeal is Natalie L. Burns, Esq. *The applicants withdrew the Variance Appeal prior to the date of the meeting.*

D. Conditional Use Appeal: 19 Libby Street, Developers Collaborative Predevelopment LLC, buyer, City of Portland, owner, Tax Map 338, Block K, Lot 004, Tax Map 340, Block A, Lots 046, 047,048, 049, 050, and 055, R-3 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-88(d)(3) to convert an existing building to a private pre-K school. The building was historically used as a public school and was most recently used as a commissary kitchen. Representing the appeal is Kevin Bunker and Mike Lyne of Developers Collaborative. *The Board of Appeals voted 5-0 to grant the Conditional Use Appeal for a period of 18 months to convert the existing building to a private pre-K school.*

2. Adjournment (meeting started at 6:28 PM; adjourned at 9:50 PM)

Enclosures:

1. DVD of 9/21/17 Meeting

cc: Jon Jennings, City Manager;
Jeff Levine, Director Planning & Urban Development
Tuck O'Brien, City Planning Director
Mary Davis, Housing and Neighborhood Services Division