



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

Ann Machado, Zoning Administrator

September 14, 2017

Nicholas Bull, P.C.  
Counselor & Attorney at Law  
Attn: Nicholas Bull, P.C.  
693 Main Street, POB 203 Center  
Lowell, Maine 04016

Dear Nicholas,

Your Interpretation Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, September 21, 2017, at 6:30 p.m.** in the City Council Chambers, City Hall, 389 Congress Street, Portland, Maine.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the processing fee, legal ad, and notices for the appeal. You may pay online by visiting <http://www.portlandmaine.gov/1728/Permitting-Inspections> and clicking the "Pay Your Bill Online" link in the menu on the left. You can also pay by mail at:

MAKE CHECK PAYABLE TO: City of Portland  
MAILING ADDRESS: Permitting & Inspections Department, Room 315  
389 Congress Street  
Portland, ME 04101

**All fees must be paid in full either before the hearing or by bringing payment to the hearing.** If there are outstanding fees at the time of the hearing, your appeal will be tabled and rescheduled once fees are paid.

Please feel free to contact me at 207-874-8701 if you have any questions.

Sincerely,

Doreen M. Christ  
Support Services Specialist

pc: Thomas Covington Johnson  
File

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

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

### APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, September 21, 2017, at 6:30 p.m. in the City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

#### 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.
- 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.
- 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.
- 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.

#### 2. Adjournment

Portland, Maine



Yes. Life's good here.

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

*Ann Machado, Zoning Administrator*

## Zoning Board of Appeals Meeting Process

You or your representative must attend the Zoning Board meeting in order to present your case and to answer any questions the Board may have concerning your appeal. Have a copy of your appeal with you.

First, the Chairperson will call the meeting to order and read the procedures.  
Next, the Secretary will call the roll of the Board members present.  
The meeting will then open to the first appeal on the agenda.

The first applicant will come forward to the small front table and give a verbal summary of what it is they are appealing to the Board. The Board will have already received your written application packet. You then may need to answer questions from the Board.

The public will have a chance to respond when the Chair first asks the public as to who would like to respond in favor or against the appeal application. The applicant will be able to respond after all the public comments.

When the Board is satisfied that they have all the information they need to make a decision, the Chairperson will close the meeting to public comment and will begin their deliberations.

The Board will make a motion (usually in the affirmative) and then further discuss the issues involved. On rare occasions, the Board may open the public portion again (temporarily) to ask another question to the applicant. After the deliberation, the Board will take an official vote and thus make an official decision.

The Board will then ask the next applicant to come forward. The process continues until all appeals are heard and decisions are rendered.

The Chairperson will then adjourn the meeting.

A copy of the Board's decision will be mailed to you, along with a bill for abutter's notices and legal ads. We will also include a building permit application if deemed necessary.

The Building Permit application will have to be filled out and returned to Inspection Services on the 3<sup>rd</sup> floor of City Hall, as per current application process. A document outlining the Building Permit process is available at the office or on line at: <http://www.portlandmaine.gov/DocumentCenter/View/4468>. It is the responsibility of the applicant to submit all the required documents and plans that are listed on the permit application checklist. Any outstanding fees incurred during the Appeal process must be paid before the building permit can be issued.

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**INVOICE OF FEES**

<b>Application No:</b> 0000-2962	<b>Applicant:</b> Thomas C. Johnson & Island Bay Ser
<b>Project Name:</b> 37 BALLFIELD RD	<b>Location:</b> 37 BALLFIELD RD
<b>CBL:</b> 088 I006001	<b>Application Type:</b> Interpretation
<b>Invoice Date:</b> 09/13/2017	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$150.00		\$150.00		\$222.03		\$0.00		\$222.03	On Receipt

**First Billing**

<b>Previous Balance</b>	<b>\$150.00</b>
<b>Payment Received 4/19/2017 - Thank you</b>	<b>\$150.00</b>

<u>Fee Description</u>	<u>Qty</u>	<u>Fee/Deposit Charge</u>		
Processing Fee	1	\$50.00		
Notices - ZBA	65	\$48.75		
Legal Advertisements - ZBA	1	\$123.28		
		<u>\$222.03</u>		
<b>Total Current Fees:</b>			+	<b>\$222.03</b>
<b>Total Current Payments:</b>			-	<b>\$0.00</b>
<b>Amount Due Now:</b>				<b>\$222.03</b>

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 Detach and remit with payment

**CBL** 088 I006001  
**Bill To:** JOHNSON THOMAS COVINGTON  
 PLEASANT AVE  
 PEAKS ISLAND, ME 04108

**Application No:** 0000-2962  
**Invoice Date:** 09/13/2017  
**Invoice No:** 69995  
**Total Amt Due:** \$222.03  
**Payment Amount:**

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

**Pay On-Line at <http://portlandmaine.gov/550/Inspections>**