



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:**

ELETHIOS MINAS  
NAME

ETHOS CARPENTRY  
BUSINESS NAME

77 WILLIAM ST PORTLAND, ME 04103  
BUSINESS ADDRESS

207.831.7654 / ETHOSCARPENTRY@GMAIL  
BUSINESS TELEPHONE & E-MAIL

OWNER / BUILDER  
APPLICANT'S RIGHT/TITLE/INTEREST

R-5 TWO-FAMILY  
CURRENT ZONING DESIGNATION

**Subject Property Information:**

77 WILLIAM ST  
PROPERTY ADDRESS

117 DO15001  
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

207.831.7654 / ETHOSCARPENTRY@GMAIL  
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY  
SECTION 14- 118

**EXISTING USE OF THE PROPERTY:**

TWO-FAMILY RESIDENTIAL

**TYPE OF CONDITIONAL USE PROPOSED:**

CONVERT TO THREE-FAMILY RESIDENTIAL WITH  
ADDITION OF (1) AFFORDABLE UNIT IN EXISTING ATTIC

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.

SIGNATURE OF APPLICANT

DATE



Zoning Board of Appeals  
City of Portland, Maine  
389 Congress Street  
Portland, ME 04101

Addition of third living unit to 77 William Street

Members of the Zoning Board of Appeals,

We are writing to formally request the review of our proposal to renovate the attic of an existing 2-unit building located at 77 William Street Portland, Maine to serve as an additional 844 square foot living unit. The attic is presently unfinished and not accessory space to either of the existing units on the first and second floors. This new unit would be rented in accordance to the affordability requirement currently mandated for a third unit in the City's R5 zone. We intend to work with the Housing and Community Development Division to ensure that the rental of this proposed unit conforms to the requirements for an affordable apartment.

We'd like to bring to your attention the precedent for this type and scale of building on the street. Immediately abutting, 81 William St is currently being converted into a 3-unit building, while across the street 62, 72, and 74 William St are existing 3-unit buildings. Two parcels to the northeast on the same side of the street, is another 3-unit building at 69 William St.

Some minor exterior modifications will need to be made to accommodate the new unit but will be limited to replacing windows in existing openings, replacing a 2-unit window with a French balcony door and adding a balcony over the shed roof portion of the structure toward the rear of the building. The balcony and new doors and windows will be designed in keeping with the building's existing architectural style, color, and finish materials. The balcony's details are to match those already existing on the building's porches and balcony.

Because the 3<sup>rd</sup> floor unit we are proposing will have only one stairwell as a means of egress, a fire suppression sprinkler system will be added throughout all units of the building.

The new unit will not impact traffic patterns, and existing off-street parking exceeds requirements for the building from section 14-332-(A)2 of the City Land Use Ordinance.

Thank you for your time and consideration.

Sincerely,

Eletherios Minas  
77 William Street  
Portland, Maine 04103  
(207) 831-7654

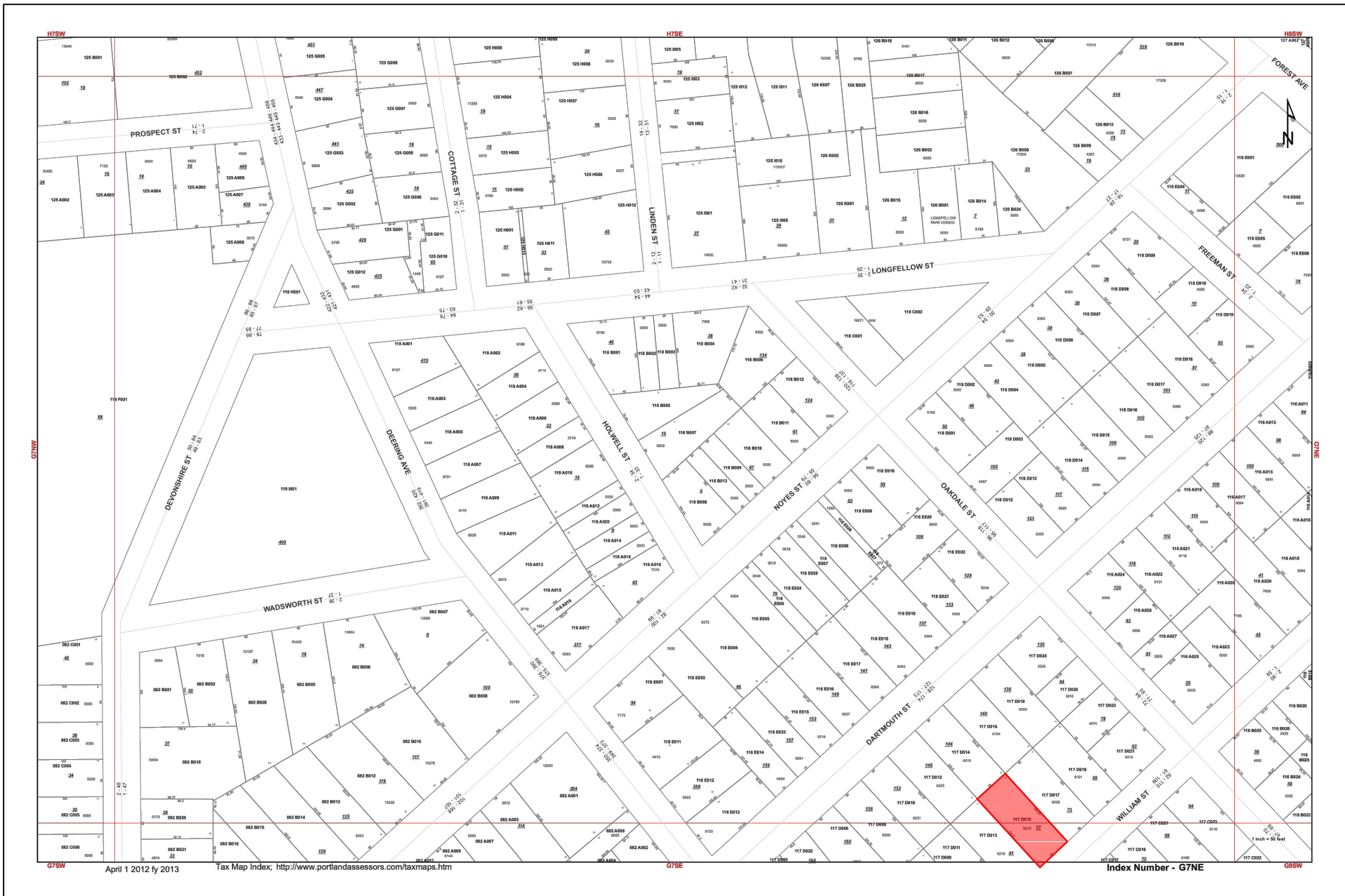
## **Project Zoning Compliance Memo – 77 William Street, Portland Maine**

The following list indicates how the proposed project to convert the attic of 77 William Street into an affordable residential unit meets each requirement (A-F) of Sec. 14-118(5) of the City of Portland Land Use Ordinance:

- 5(A) – The additional unit will only bring the total number of units for the lot up to (3).
- 5(B) – The additional unit’s ownership will remain connected to the second floor unit and is not to be sold off as a condominium unit.
- 5(C) – We intend to ensure compliance with the affordable rent requirement by working with the Housing & Community Development Department when determining the maximum allowable rent for the new unit. Using the HUD AMI figures and the current *Section 8 Monthly Housing for Tenant-Furnished Utilities and Other Services Based on Family Subsidy Size Table*, we expect the unit to rent for \$1,076.25 minus utilities as the maximum monthly rent.
- 5(D) – The space allotted for the new unit is in no way connected or currently used by either of the two existing units and therefore will not take square footage away from their use. The proposed unit as planned will provide 844 square feet of interior living space for the occupant.
- 5(E) – Proposed modification to the exterior of the structure will be minimal involving the replacement of windows in existing openings, the conversion of one window unit into a balcony door, and the addition of two small skylights. Also proposed is the addition of an exterior balcony to be added atop the existing 2-story shed roof portion of the building at the rear of the structure. The balcony will have exclusive access from the new, third floor unit. All repair and modification will be in keeping with the existing style and architecture of the building.
- 5(F) - The new unit will not impact traffic patterns, and existing off-street parking (up to 9 vehicles) exceeds requirements for the building as proposed from section 14-332-(A)2 of the City Land Use Ordinance.

### **Conditional Use Standards:**

- (1) – Existing accommodations for off street parking (up to 9 vehicles) exceed the requirement for the change in use of the building and the addition of a single unit will make for traffic equal to or less than that of surrounding buildings on the street.
- (2) – The proposed change from a 2-unit to a 3-unit will not create significant glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter that would cause harmful or unsanitary conditions.
- (3) - The proposed change from a 2-unit to a 3-unit residential building poses no greater impact/effect on surrounding uses than those already existing in the zone as well as the immediate vicinity and will be similar to that of the surrounding 3-unit apartment buildings on the street.

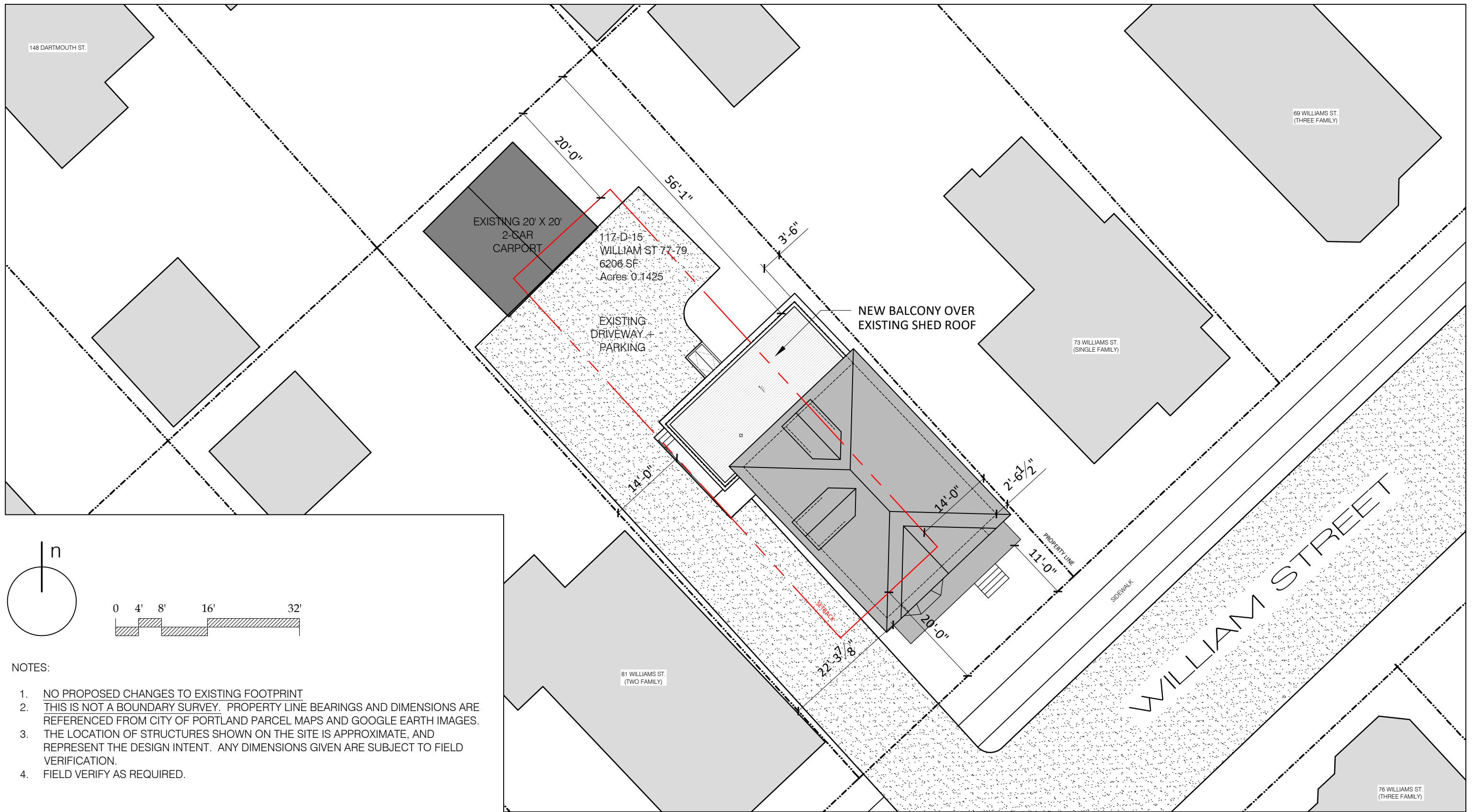


April 1 2012 fy 2013 Tax Map Index; <http://www.portlandassessors.com/taxmaps.htm>

Index Number - G7NE

tax map

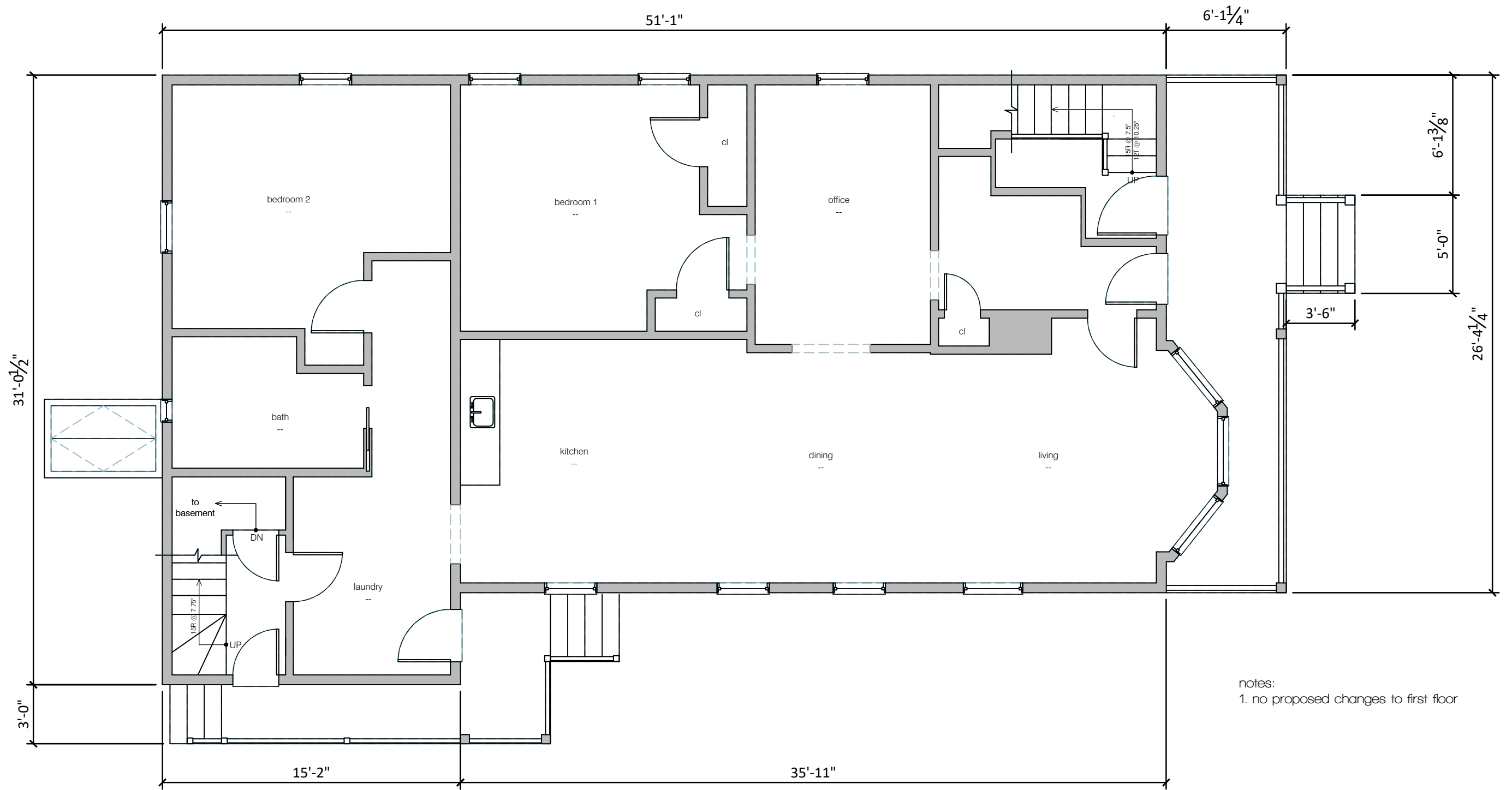




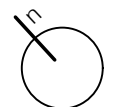
NOTES:

1. NO PROPOSED CHANGES TO EXISTING FOOTPRINT
2. THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINE BEARINGS AND DIMENSIONS ARE REFERENCED FROM CITY OF PORTLAND PARCEL MAPS AND GOOGLE EARTH IMAGES.
3. THE LOCATION OF STRUCTURES SHOWN ON THE SITE IS APPROXIMATE, AND REPRESENT THE DESIGN INTENT. ANY DIMENSIONS GIVEN ARE SUBJECT TO FIELD VERIFICATION.
4. FIELD VERIFY AS REQUIRED.



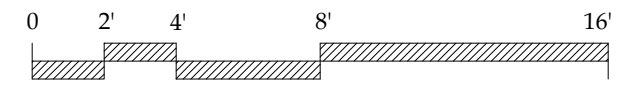


notes:  
1. no proposed changes to first floor

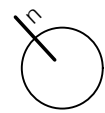
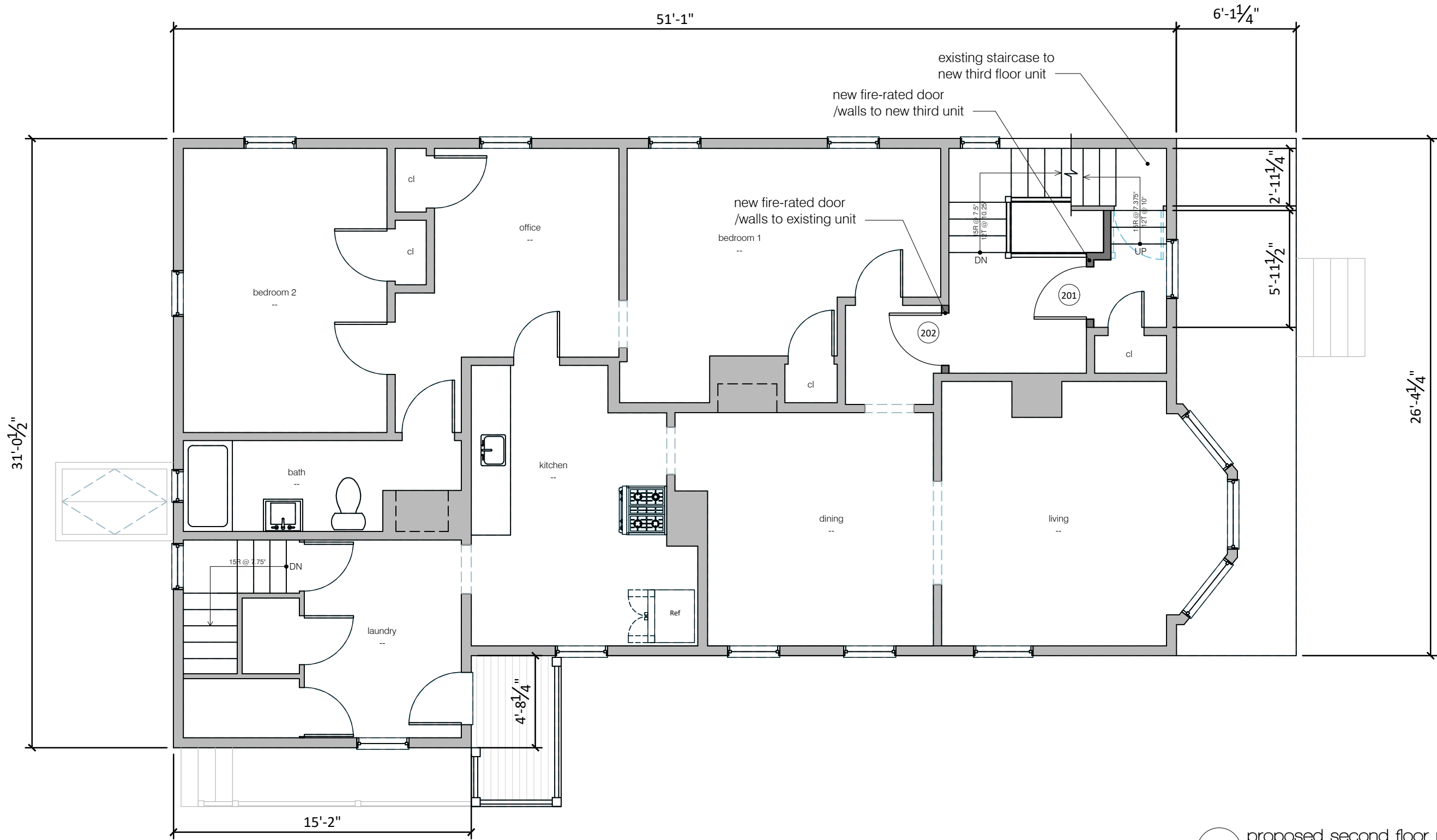


- new construction
- existing construction
- existing construction to be removed

1 first floor plan  
3/16" = 1'-0"

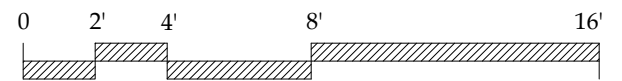






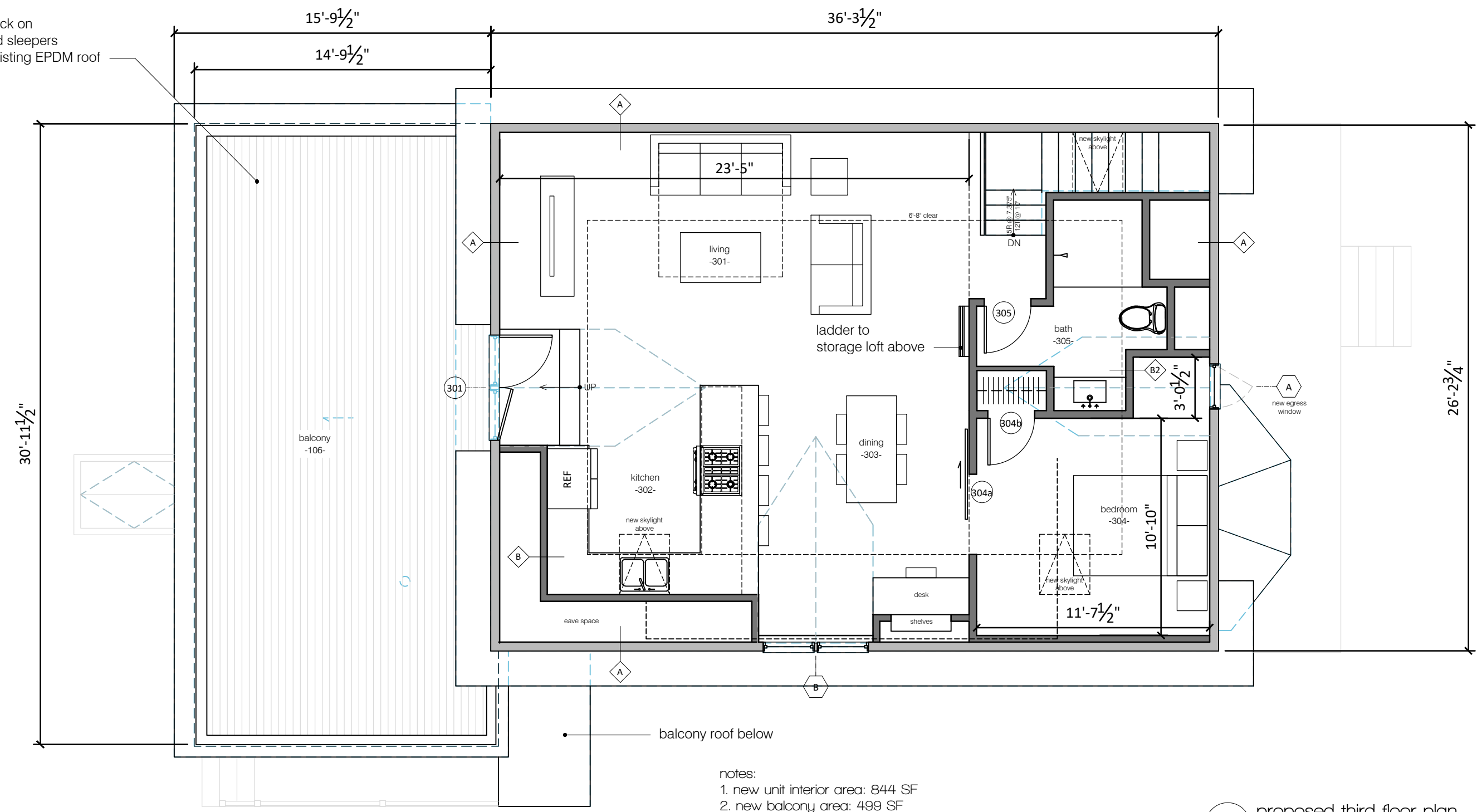
- new construction
- existing construction
- existing construction to be removed

1 proposed second floor plan  
 3/16" = 1'-0"



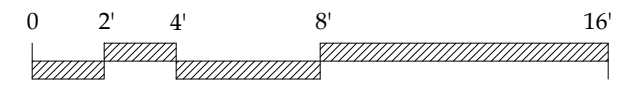


new deck on tapered sleepers over existing EPDM roof



notes:  
 1. new unit interior area: 844 SF  
 2. new balcony area: 499 SF

1 proposed third floor plan  
 3/16" = 1'-0"



- new construction
- existing construction
- existing construction to be removed







## WARRANTY DEED

DLN: 1001540002826

Now Comes the Grantors, **Mimi Brooks Clark** and **Robert Rust Clark** both with a mailing address of 302 Ferry Road, Saco, Maine ("Grantors"), who hereby sell, transfer and convey, with Warranty Covenants to the Grantee, **Eletherios Minas** with a mailing address of P.O. Box 3812, Portland, Maine 04101 the real property, and improvements thereon found and located at 77 Williams Street, Portland, County of Cumberland, State of Maine, and being more particularly described as follows:

A certain lot or parcel of land with the buildings thereon, situated at Oakdale in the Deering District of said Portland being lot Number Nine (9) on William Street on the plan of land of the Deering Land Company recorded in Cumberland County Registry of Deeds, Plan Book 4, Page 29, bounded and described as follows:

Beginning at a point on the Northerly sideline of William Street, three hundred thirty-eight and fifty-one hundredths (338.51) feet from an iron monument in the Easterly side line of Deering Avenue, formerly Deering Street, at its intersection with the Northerly sideline of William Street; thence Easterly by William Street, fifty (50) feet to a point; thence Northerly from the two points so located in a direction at right angles with Dartmouth Street, one hundred twenty-four and one-half (124 ½) feet, more or less, to points on a line midway between William Street and Dartmouth Street, subject to the building restrictions contained in a deed from Deering Land Company to William S. Thompson, dated November 25, 1892 and recorded in said Registry, Book 597, Page 114.

Reference is hereby made to a Deed of Distribution by the Estate of Estelle S. Brooks to Mimi Brooks Clark recorded in the Cumberland County Registry of Deeds, and to a deed from said Mimi Brooks Clark to herself and Robert Rust Clark found at Book 30160, Page 200 of said same registry.

In witness whereof, the said Mimi Brooks Clark and Robert Rust Clark have caused this instrument to be signed and sealed this 3<sup>rd</sup> day of ~~March~~, 2015.

*April*

Witness:

Print Name: Shawn W. Casey

Print Name: Shawn W. Casey

Mimi Brooks Clark  
Mimi Brooks Clark, Grantor

Robert Rust Clark  
Robert Rust Clark, Grantor



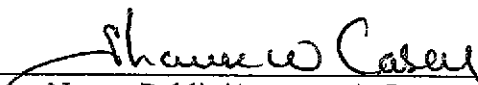
STATE OF MAINE  
CUMBERLAND COUNTY, ss

April  
~~March~~ 3, 2015

Then personally appeared the above-named Mimi Brooks Clark and acknowledged the foregoing instrument to be her free act and deed.

**SHAWN W. CASEY**  
Notary Public, Maine  
My Commission Expires January 12, 2020

Before me,

  
Notary Public/Attorney At Law

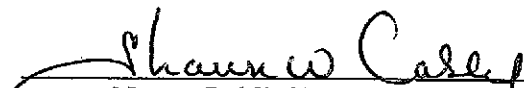
STATE OF MAINE  
CUMBERLAND COUNTY, ss

April  
~~March~~ 3, 2015

Then personally appeared the above-named Robert Rust Clark and acknowledged the foregoing instrument to be his free act and deed.

**SHAWN W. CASEY**  
Notary Public, Maine  
My Commission Expires January 12, 2020

Before me,

  
Notary Public/Attorney At Law