



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

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS Conditional Use Appeal Application

Applicant Information:

NAME Jamie Howard and Jennifer Graham

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

APPLICANT'S RIGHT/TITLE/INTEREST

Co-Owners

CURRENT ZONING DESIGNATION

R-3

EXISTING USE OF THE PROPERTY:

There are 2 residential condominium units on this property. It is a house built in 1907 as a duplex. 20 Orland St has 5+bedrooms and 22 Orland St has 5 bedrooms. The 20 Orland Street's 3rd floor is not currently a legal accessory unit and has no kitchenette. It is just part of the 2400 sf house and it contains 2 bedrooms, a 3/4 bathroom, 2 closets, access to the upper attic, and storage space.

TYPE OF CONDITIONAL USE PROPOSED:

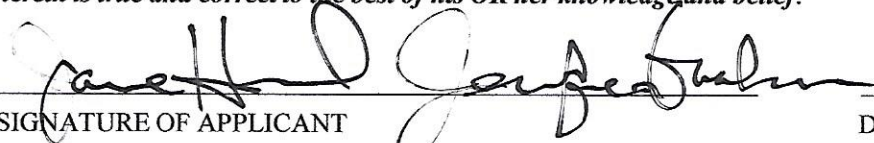
We are seeking to utilize a bedroom and it's closet to create a small kitchen and to formally make this space an auxilliary unit for independent living space for aging parents or adult children.

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, expense 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

11/14/16 11-14-16
DATE

Jamie Howard and Jennifer Graham
20 Orland St
Portland, ME 04104
207-730-8784 or 207-329-5426
berniecoop@hotmail.com

Dear Zoning Board of Appeals,

Thank you for your time in reviewing this application. We are writing to request your permission to make an adjustment to our 3rd Floor living space in the hopes of officially making the space a legal accessory unit (a.k.a. in-law apartment). We currently have enough space to have an additional, aging family member live with us, enable our teenage son remain in our home while he attends college, or have our children's caregiver live in our home. Hence, we are seeking to create a space for another generation or extended family to live within our home, yet have independent living space for privacy and independence.

We believe this would meet the standard listed in Sec 14-88(a)(2) due to the following:

1. **Accessory Dwelling Unit must not be more than 30% of gross sf.** -This auxiliary unit would be 22% (538sf of 2,400sf) of our home's useable living space. We would only be repurposing a bedroom into a kitchen area and open a closet to make room for a kitchenette unit.
2. **Accessory Dwelling Unit must have no outside stairs or fire escapes above the ground**-There are no open outside stairways or fire escapes, but there is a second, back staircase that could be used for semi-private entry to the unit.
3. **The lot size of the property must be at least 6,500sf.** – The lot size that the property sits on is approximately 6,805sf.
4. **No dwelling shall be reduced in size to less than 1,000sf.** –20 Orland St will be reduced only to 1,862 with accessory unit square footage is removed.
5. **Adequate parking must be provided:** There are currently 3 off-street parking spaces available and only 2 are used.
6. **Architectural Style must be maintained**-The changes requested won't change the outside appearance of the house in any way. The internal structure of the house was renovated in the 1980's and an additional kitchenette is not uncommon in this period's design.
7. **Parking areas should be screened**-There are barriers (one tall wall and one landscaped mound on each side of the driveway and 1 parking spot is in the garage. Our parking areas follows the norm of any other house on our street and have never received any complaints from anyone.
8. **The house must be occupied by the owners**-We, the owners, currently occupy the home would continue to do so while the unit is occupied.

We also believe that we meet the standards of conditional use because of the following:

9. **No substantial increase in vehicle volume or traffic**-We are only seeking to modify the existing space to possibly accommodate 1 additional person in our home. Further, one owner currently works from home and any additional person added would only possibly add one additional car to traffic. Optionally, any or all of us can utilize the bus system on Brighton Ave next to our home as well as the new proposed Byway that is supposed to go through Orland St.
10. **No substantial creation of noise, light, litter, etc.**-Because we also would not wish to live in a noisy or littered home, we wouldn't tolerate any such things to occur. Further, we have never had any complaints since occupying 20 Orland St.
11. **No substantial negative effect on neighbors** – We don't believe that there will be any negative impact on any of our neighbors, no matter how close in proximity. We actually believe this could have a positive impact on our direct neighbors because it may be helpful for them to pursue similar action on their partially finished 3rd floor. They are retired seniors and may benefit greatly from in-home care providers as they are age and are unable to complete household tasks.

I have included the requested documents with this letter. Thank you for your time and consideration.

Jamie Howard and Jennifer Graham

Warranty Deed - Ownership


Doc#: 15875 Bk:30482 Pg: 189

WARRANTY DEED Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That **Maureen C.H. Sze** of Scarborough, County of Cumberland and State of Maine, for consideration paid, grants to **Jennifer L. Graham and Jamie L. Howard** whose mailing address is 4 Ward Street, Scarborough, Maine 04074 with **WARRANTY COVENANTS**, as joint tenants, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this
March 18, 2013.

Witness


Maureen C.H. Sze

State of Maine
County of Cumberland

March 18, 2013

Personally appeared before me the above named Maureen C.H. Sze and acknowledged the foregoing instrument to be her free act and deed.


Jeffrey B. Herbert
Attorney at Law

Doc#: 15875 Bk:30482 Pg: 190

Exhibit A

Certain real property situated in the City of Portland, County of Cumberland and State of Maine, being more particularly described as follows:

Being Unit 20 of Orland Street Condominium, as created under a certain Declaration of Condominium dated September 24, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13340, Page 112.

Subject to and with the benefit of the terms, provisions, and easements set forth and referred to in the Maine Condominium Act and Declaration, including without limitation, the Plat, Plan, and the Bylaws of the Orland Street Condominium Association.

Meaning and intending to convey and hereby conveying the same premises as set forth in deed from Dowd Properties, LLC to Maureen Sze Savadove dated January 15, 1998 and recorded in the Cumberland County Registry of Deeds in Book 13553, Page 222. Reference is also made to an Abstract of Divorce Decree between Maureen S. Savadove and Robert F. Savadove dated January 5, 1999 and recorded in Book 14455, Page 225, awarding property solely to Maureen S. Savadove n/k/a Maureen C.H. Savadove.

Received
Recorded Register of Deeds
Mar 20 2013 01:59:07P
Cumberland County
Pamela E. Lavley

MAINE REAL ESTATE TAX PAID

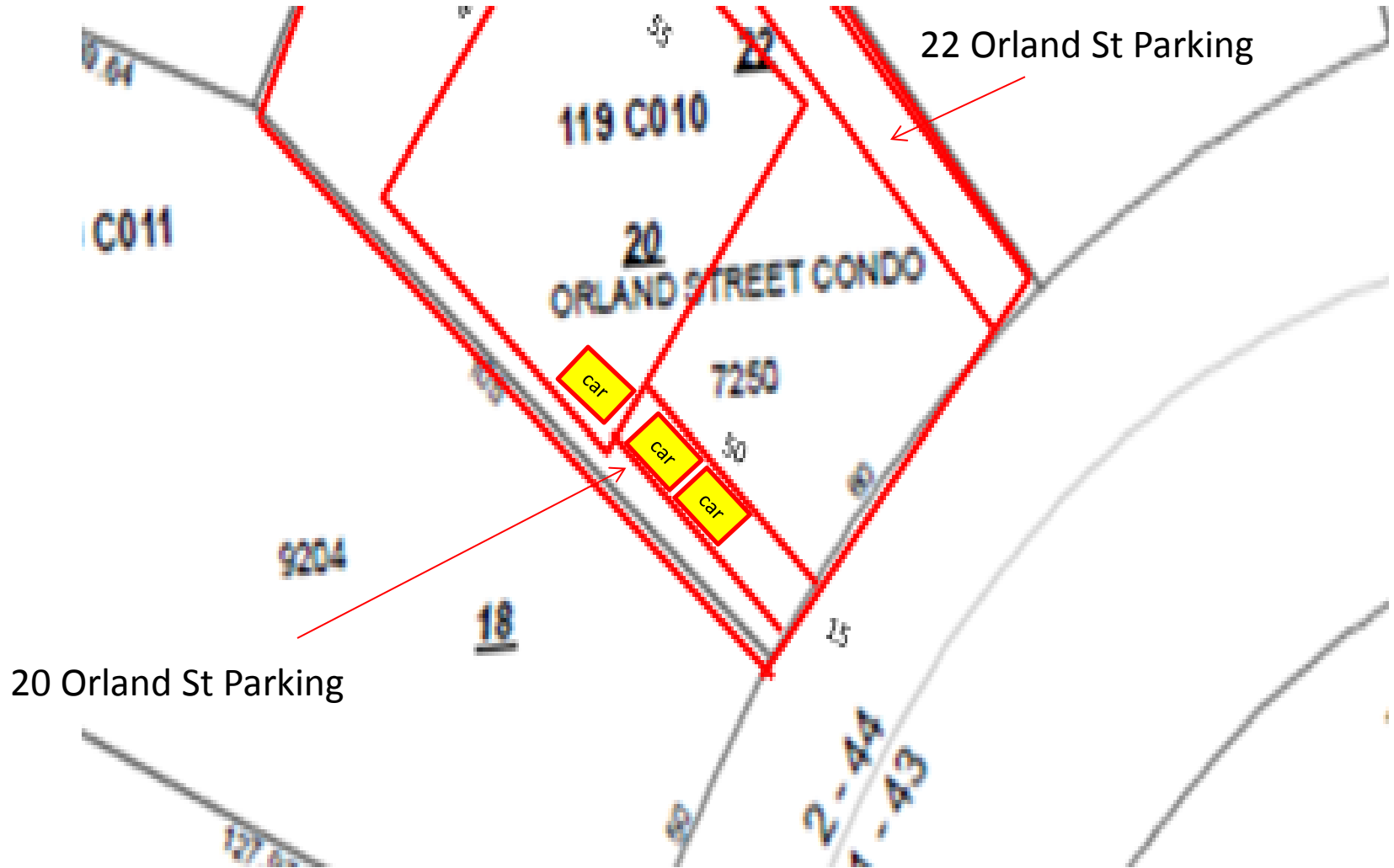
Structures and Parking 20-22 Orland St



22 Orland St Parking
– External 1 car
garage plus several
additional spaces
that are not used

20 Orland St
Parking-Internal 1
car garage plus 2
spaces

Structures and Parking 20-22 Orland St

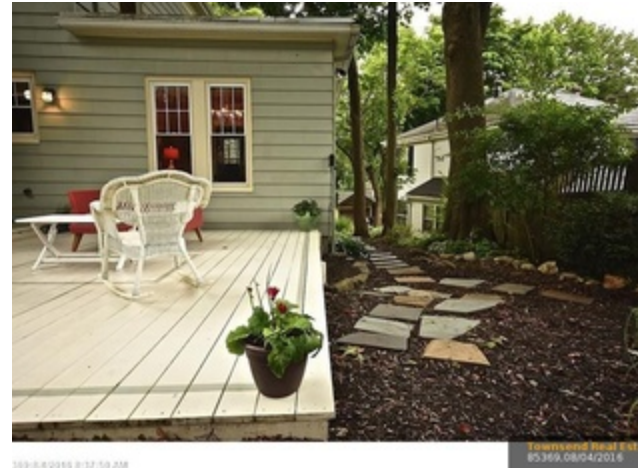


Parking – 3 spaces, 1 internal garage (28X15), 2 external (50x14)-not blocking sidewalk

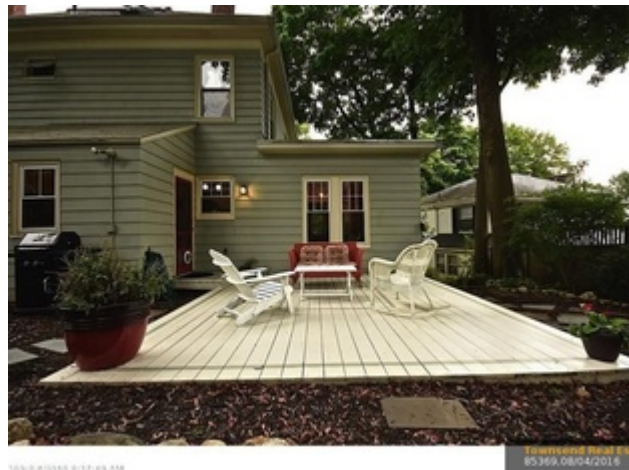
20 Orland - Exterior



Front, Driveway, Garage



Side entrance to back yard



Back deck

20 Orland - Stairs



Back stairs
to second floor



Front entry stairs to
second floor



Entry to stairs to 3rd
Floor



3rd Floor Stairs

20 Orland-First Floor



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Townsend Real Est
85369.08/04/2016

Living room 1



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Townsend Real Est
85369.08/04/2016

Dining Room 1



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Townsend Real Est
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Living room 2



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Townsend Real Est
85369.08/04/2016

Kitchen



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Townsend Real Est
85369.08/04/2016

Dining Room 2

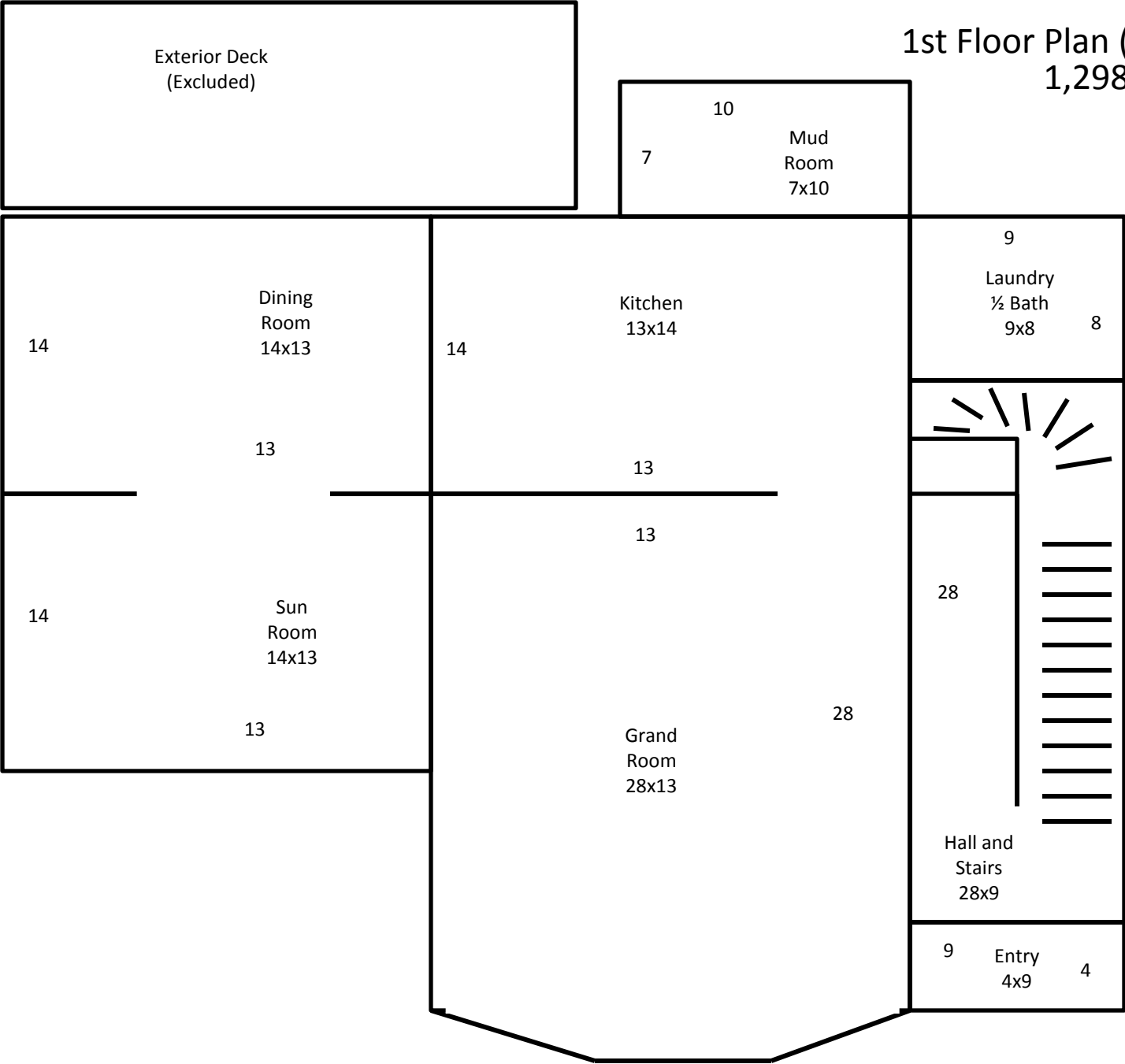


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Townsend Real Est
85369.08/04/2016

1/2 bath and laundry

1st Floor Plan (no changes)
1,298 SF



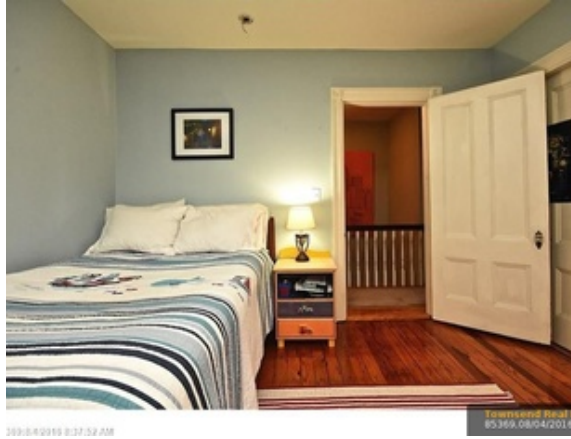
1st Floor Measurement Details and Summary (sf)

Mud Room	7x10	70
Kitchen	12x14	168
Dining Room	12x14	168
Sun Room	12x14	168
Entry	9x4	36
Grand Room	28x13	364
Hallway/Stairs/Landing	28x9	252
Laundry 1/2 Bath	8x9	72
		Total: 1,298 sf

20 Orland- Second Floor



Bedroom 1



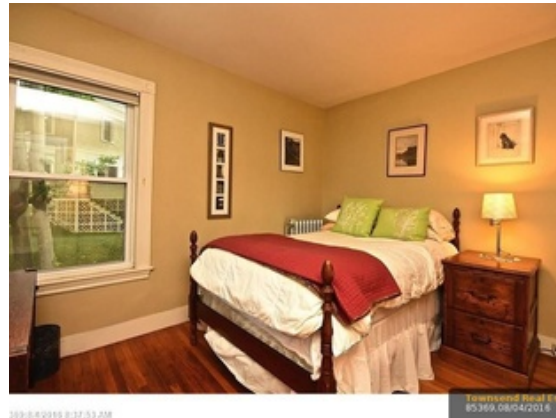
Bedroom 2



Bedroom 3



Full Bath

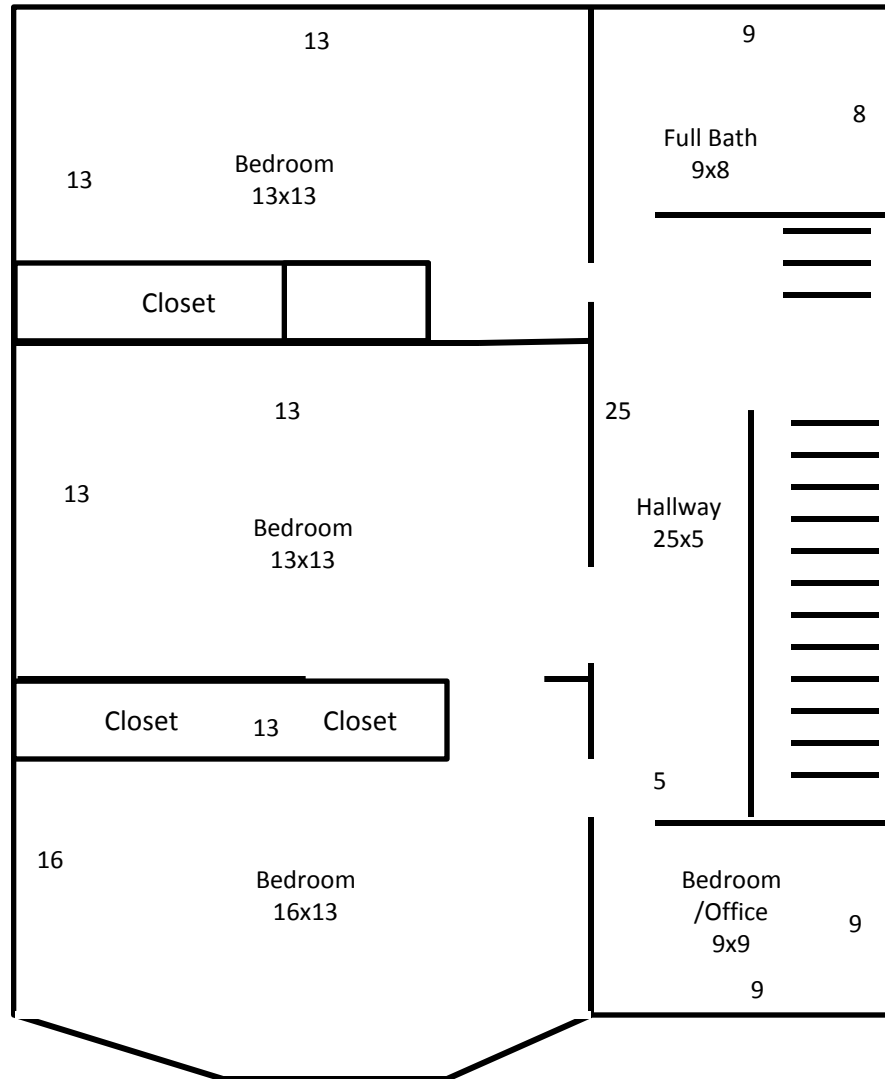


Bedroom 4



Hallway

2nd Floor Plan 824 sf (no changes)

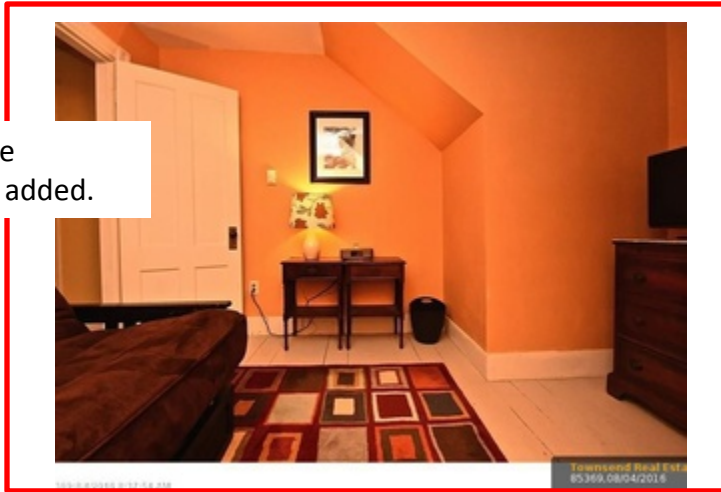


2nd Floor Measurement Details and Summary (sf)

Bedroom	13x13	169
Bedroom	13x13	169
Bedroom	16x13	208
Bedroom/Office	9x9	81
Bath	9x8	72
Hallway	25x5	125
		Total: 824 sf

20 Orland- Third Floor

Room where kitchenette added.



3rd Floor bedroom

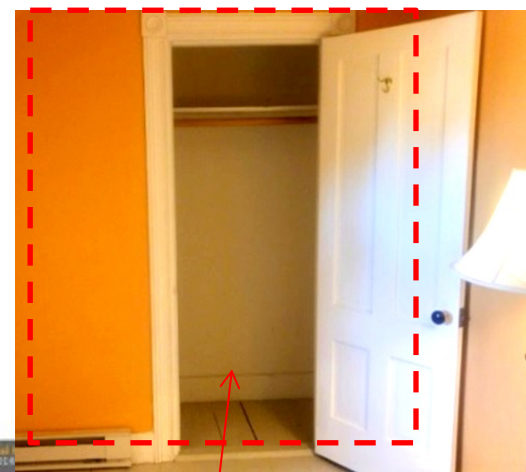


3rd floor ¾ bath room-Closet behind this bathroom wall.

Storage

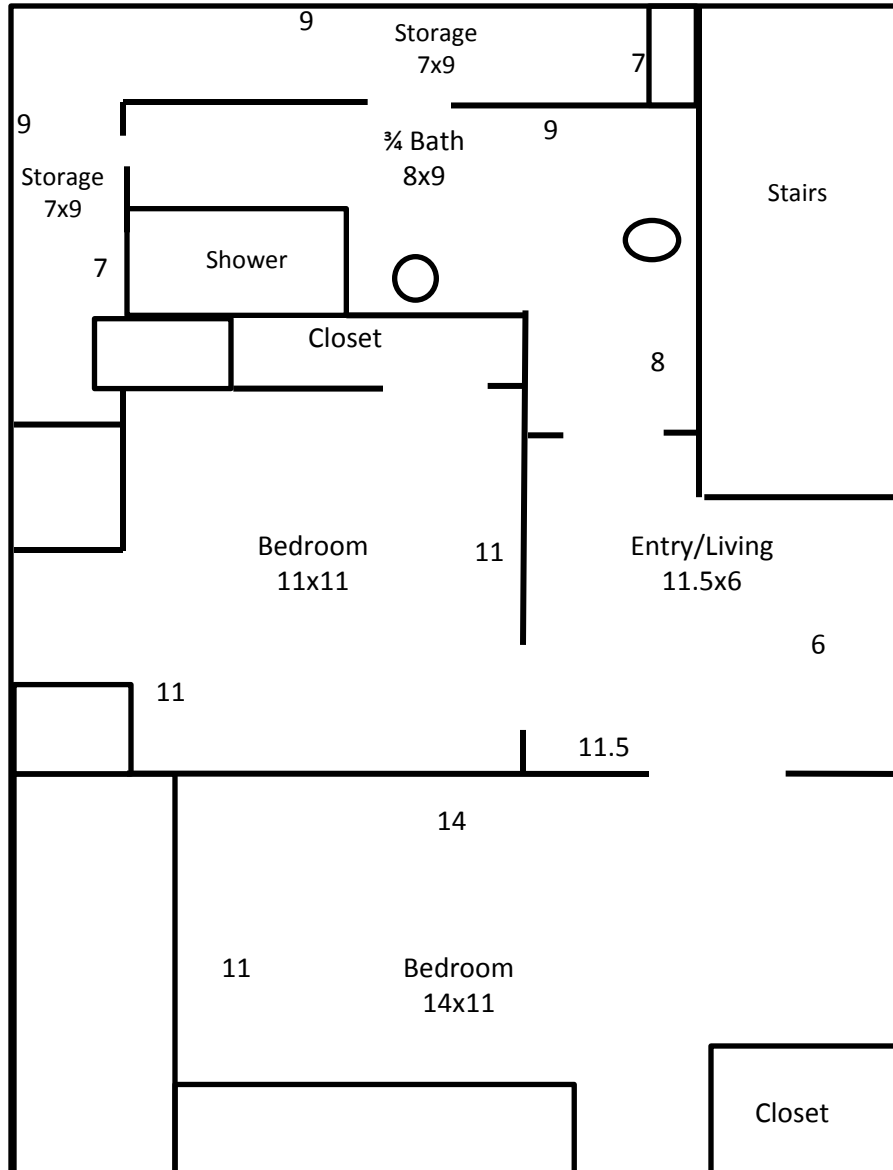


Closet behind next to this wall.



Closet turned into kitchenette with sink, stove and refrigerator.

3rd Floor Plan 538 sf



Closet

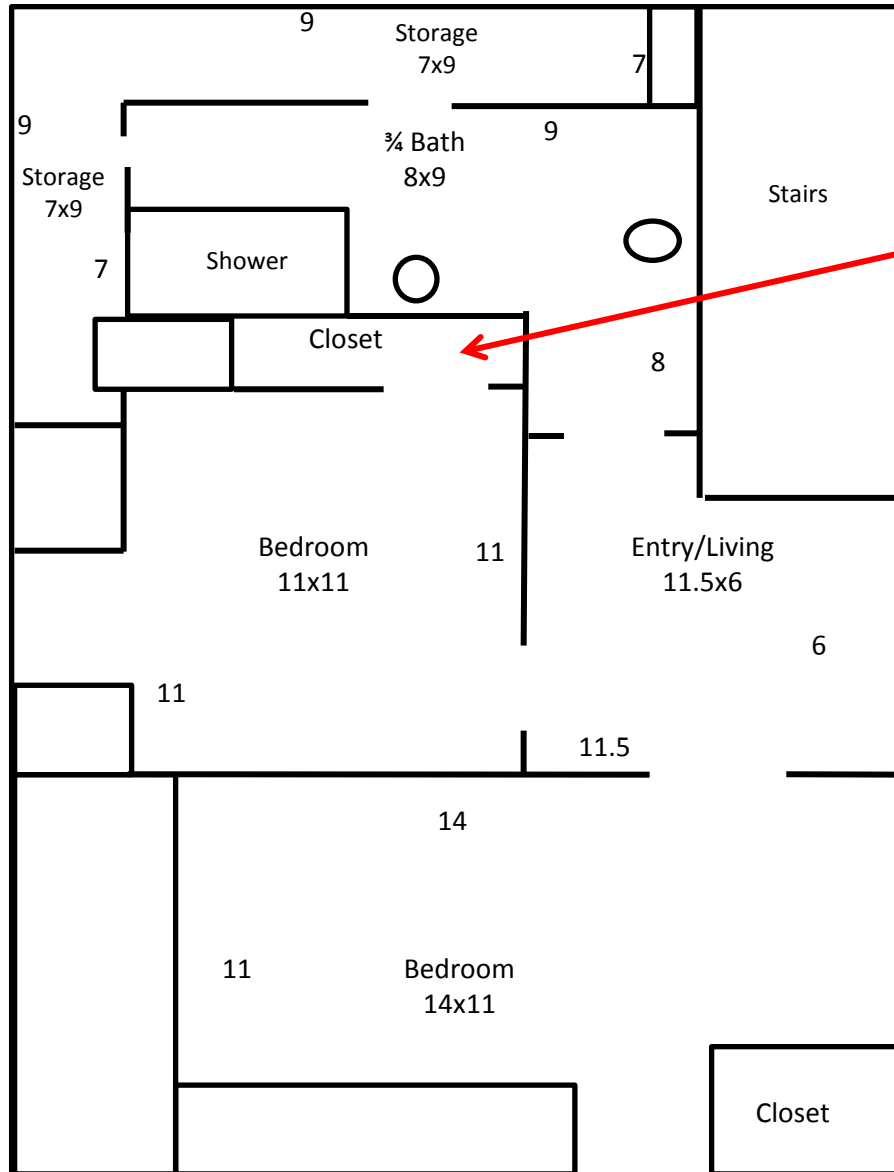
3rd Measurement Details and Summary Current and Proposed (sf)

Bedroom	11x14	168
Entry/Living	6x11.5	66
Dining/Living/Kitchenette	11x11	121
Bathroom	8x9	72
Storage	6x9	56
Storage	6x9	56
		Total: 539 sf

Accessory Unit Percentage of Total Analysis (% of sf)

1 st Floor	1,298 sf
2 nd Floor	824 sf
3 rd Floor	539 sf
20 Orland St. SF	2,650 sf
	Percentage of Total: 20%

3rd Floor Plan (current)



Request is to open up this closet wall where there is an existing door and add a kitchenette unit, hence, creating a kitchen and living area for a legal Accessory Unit. The space is not an addition, but only repurpose a closet into an area for a kitchenette.

20 Orland- Third Floor Changes

- *Remove wall of closet and closet door, finish out the opening.
- *Add hot and cold water plumbing for a kitchen sink.
- *Add any electrical plugs needed for a small stove and refrigerator, possibly an all in one kitchenette appliance (see below).



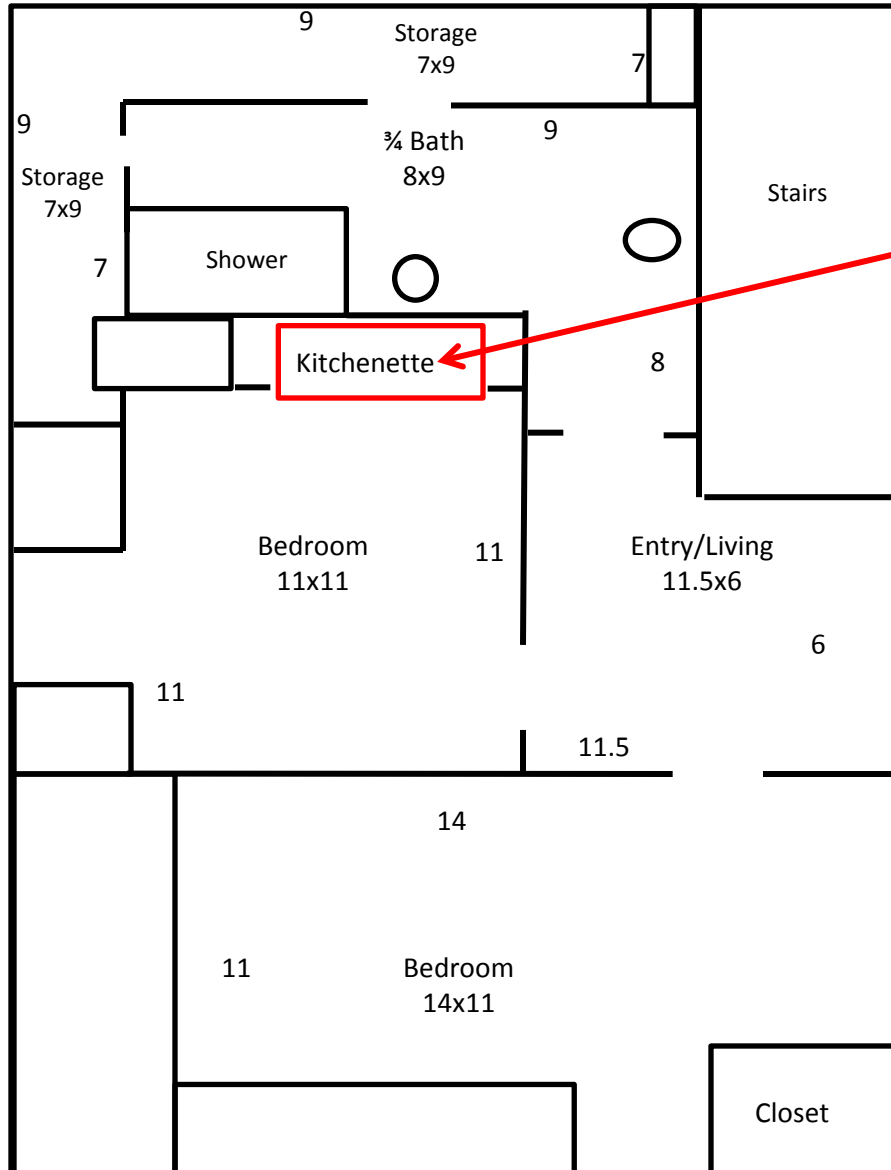
Model: C48EL

Summit
48 Inch Combo Kitchen

- Comes fully assembled
- Includes sink, 2-burner stove, refrigerator/freezer combo, and storage
- One-piece stainless steel counter top is easy to clean and maintain
- Weight: 280 lbs
- Dimensions: 40" H x 47.25" W x 24" D

- *Add cabinetry for additional kitchen storage.

3rd Floor Plan (current)



20 Orland- Closet



5ftx2ft Closet requested turned into
kitchenette with sink, stove and refrigerator.