

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

Elizabeth & Kenneth Harrington-Howes

BUSINESS NAME

BUSINESS ADDRESS

93 Clifton St. Portland, ME 04103

BUSINESS TELEPHONE & E-MAIL

203-981-8099 bethharringtonhowes@gmail.com

APPLICANT'S RIGHT/TITLE/INTEREST

Residential

CURRENT ZONING DESIGNATION

R3

EXISTING USE OF THE PROPERTY:

Single Family residence

TYPE OF CONDITIONAL USE PROPOSED:

1 bedroom rental apartment on lower floor

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

DATE

December 16th, 2016

389 Congress Street * Portland Maine 04101-3509 * Phone: (207) 874-8703 * Fax: (207) 874-8716
<http://www.portlandmaine.gov/planning/buildingsp.asp> * E-Mail: buildinginspections@portlandmaine.gov

Kenneth & Elizabeth Harrington-Howes
93 Clifton Street
Portland, ME 04103
(203)554-0468
(203) 981-8099
bethharringtonhowes@gmail.com

December 16, 2016

Dear Zoning Board of Appeals,

We live in a single family residence which we have been renovating. During the renovation we noticed that the lower level would make a really nice apartment. Therefore, we would like to convert the space into a legal rental unit.

We believe we have met all of the qualifications set out in the paperwork sent to us by Ms. Stacy of your office. Please let us know if you need any additional information. We look forward to hearing from you.

Sincerely,



Kenneth Harrington-Howes



Elizabeth Harrington-Howes

93 CLIFTON STREET (AKA 130 VANNAH AVENUE)
ADDITIONAL DWELLING UNIT APPLICATION ADDENDUM

Our planned conversion from a single family dwelling to accommodate an additional dwelling unit meets the requirements outlined in the City of Portland Code of Ordinances, Section 14-88(a)(2)(a-j), as outlined below:

a. The gross floor area of the main floor of principal building is 2,108 sf. The gross floor area of the basement is 1,408 sf. The rear half of the basement is completely underground. The front half is almost completely at grade, and therefore meets the two-thirds of its floor-to-ceiling height above the average grade test. This adds 704 sf to the main floor's 2,108 sf, for a total of 2,812 sf of allowable gross floor area. The proposed accessory unit is 717 sf, or approximately 25% of the allowable gross floor area, and is therefore less than the allowed 30%. See attached elevations.

At 717 sf it is also larger than the required 400 sf of floor area.

b. There is no open outside stairway or fire escape.

c. There will be no changes to the exterior of the property. Therefore everything will remain compatible in style and the appearance of a single-family dwelling will be maintained.

d. The lot size of 0.2 acres (or 8,712 sf) exceeds the required minimum lot size of 6,500 sf.

e. – f. Not listed in Section 14-88.

g. The main dwelling unit's above grade space of 2,108 sf will not change and is well over the required minimum size of 1,000 sf.

h. Parking will include two spaces in the tandem Garage and four spaces in the driveway.

i. i. There will be no exterior alterations.

ii. There are no planned alterations to the parking surfaces or landscaping.

j. The owners, Elizabeth (Beth) and Kenneth (Obie) Harrington-Howes will occupy the principal unit.

Furthermore, in response to the three standards listed at the bottom of the application page:

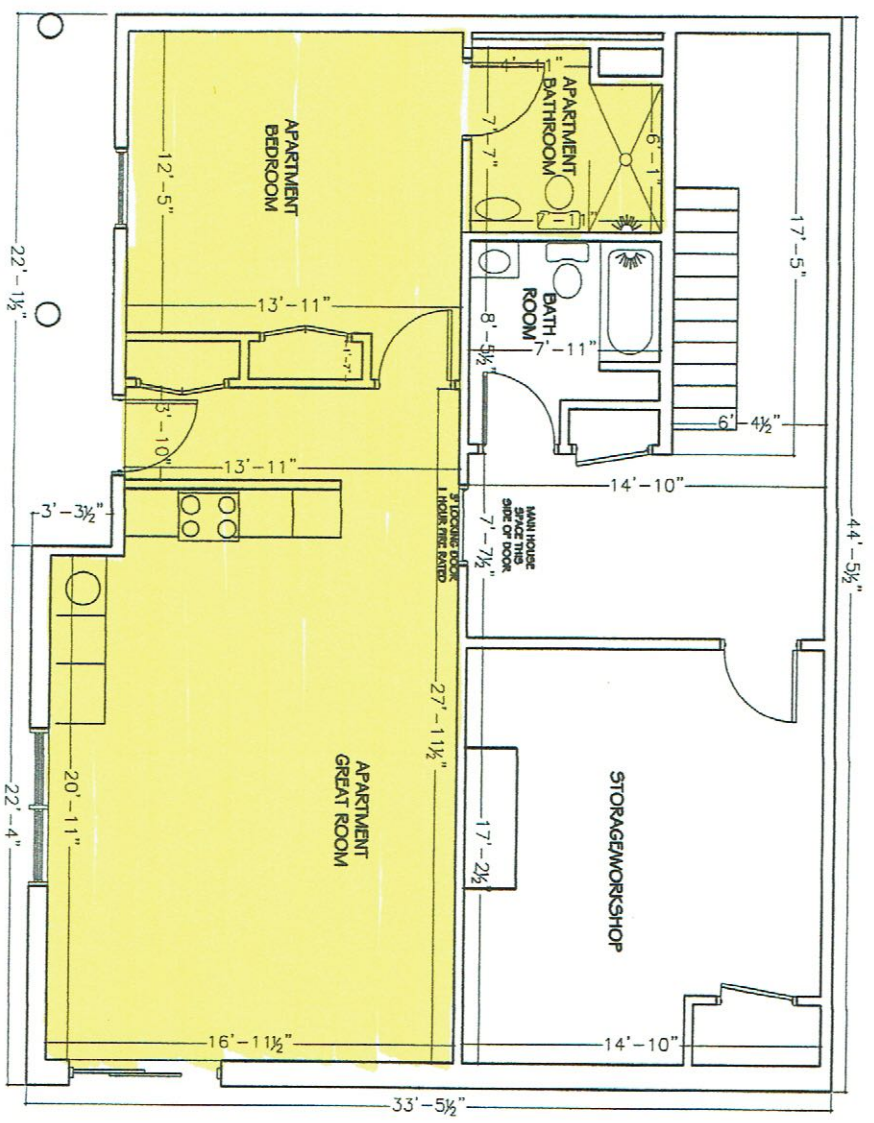
1. Our plan is to rent to a single individual with one car.

2. The unit will be rented exclusively as a residential space.

3. Again, the unit will be rented exclusively as a residential space.

If you have any questions or need any additional information, please contact Beth Harrington-Howes at 203-981-8099. Thank you.

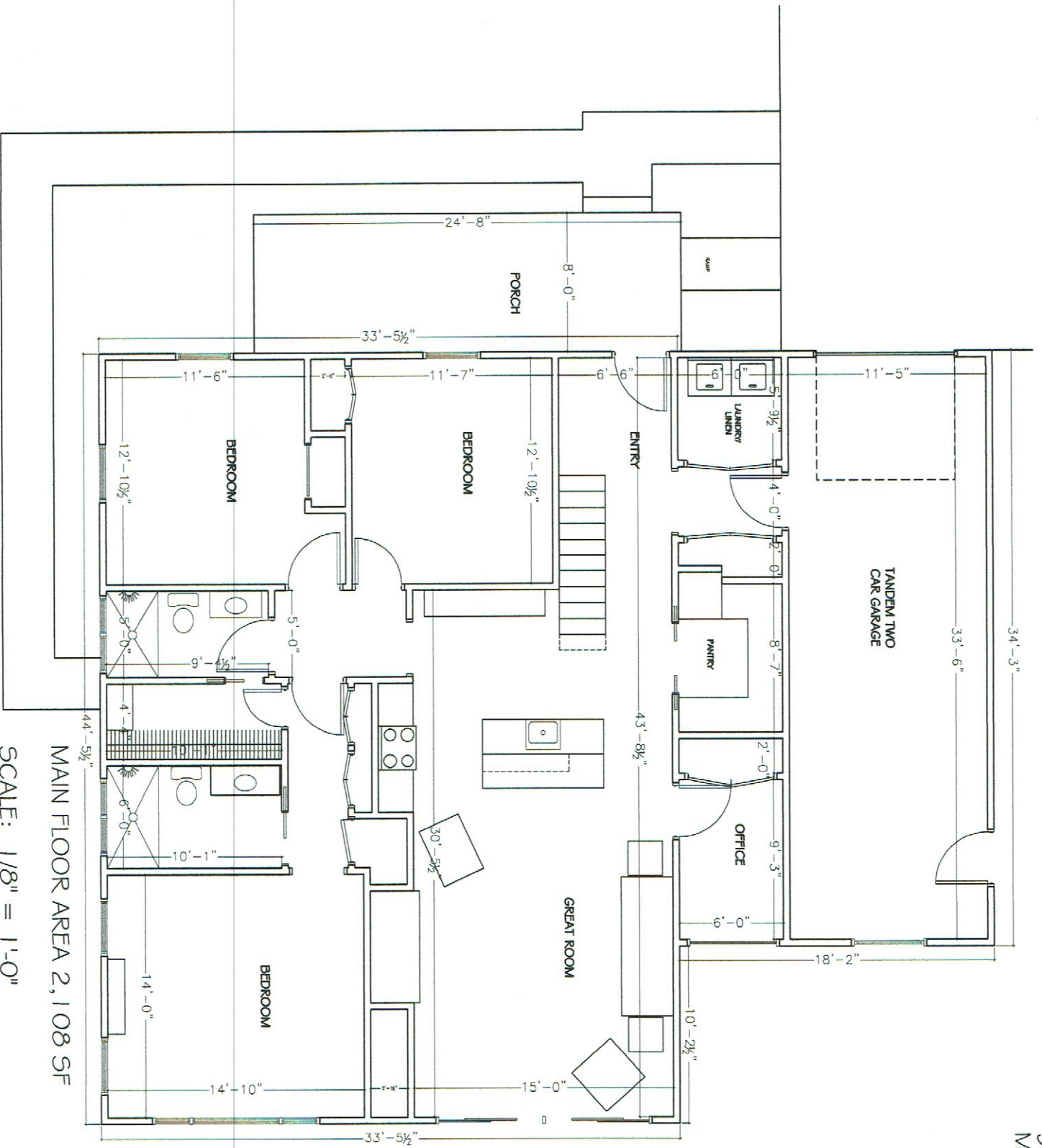
HARRINGTON-HOWES
 93 CLIFTON STREET
 BASEMENT PLAN



GROSS BASEMENT AREA 1,408 SF
 ALLOWABLE BASEMENT AREA 704 SF
 TOTAL ALLOWABLE AREA (MAIN FLOOR + 704 SF) 2,812 SF
 APARTMENT AREA 717 SF OR 25%

SCALE: 1/8" = 1'-0"

HARRINGTON-HOWES
 93 CLIFTON STREET
 MAIN FLOOR PLAN



MAIN FLOOR AREA 2,108 SF

SCALE: 1/8" = 1'-0"

TAX MAP
THIS IS NOT A BOUNDARY SURVEY

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MORTGAGE INSPECTION OF: DEED BOOK 27266 PAGE 100 COUNTY Cumberland
PLAN BOOK --- PAGE --- LOT ---

ADDRESS: 130 Vannah Avenue, Portland, Maine

Job Number: 876-45

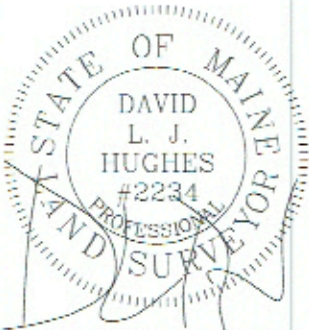
Inspection Date: 02-12-16

Scale: 1" = 25'

Client File #: 16RES11914

Buyers: Kenneth Harrington-Howes &
Elizabeth Harrington-Howes

Seller: Steven S. Shaw



NOTE: Lines of occupation are shown. A boundary survey may yield different results.

I HEREBY CERTIFY TO: H&D Title & Closing Services, LLC, Residential Mortgage Services, Inc. and its title insurer.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

Monuments found did not conflict with the deed description.

The dwelling setbacks do not violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel 230051-0013B:

The structure does not fall within the special flood hazard zone.

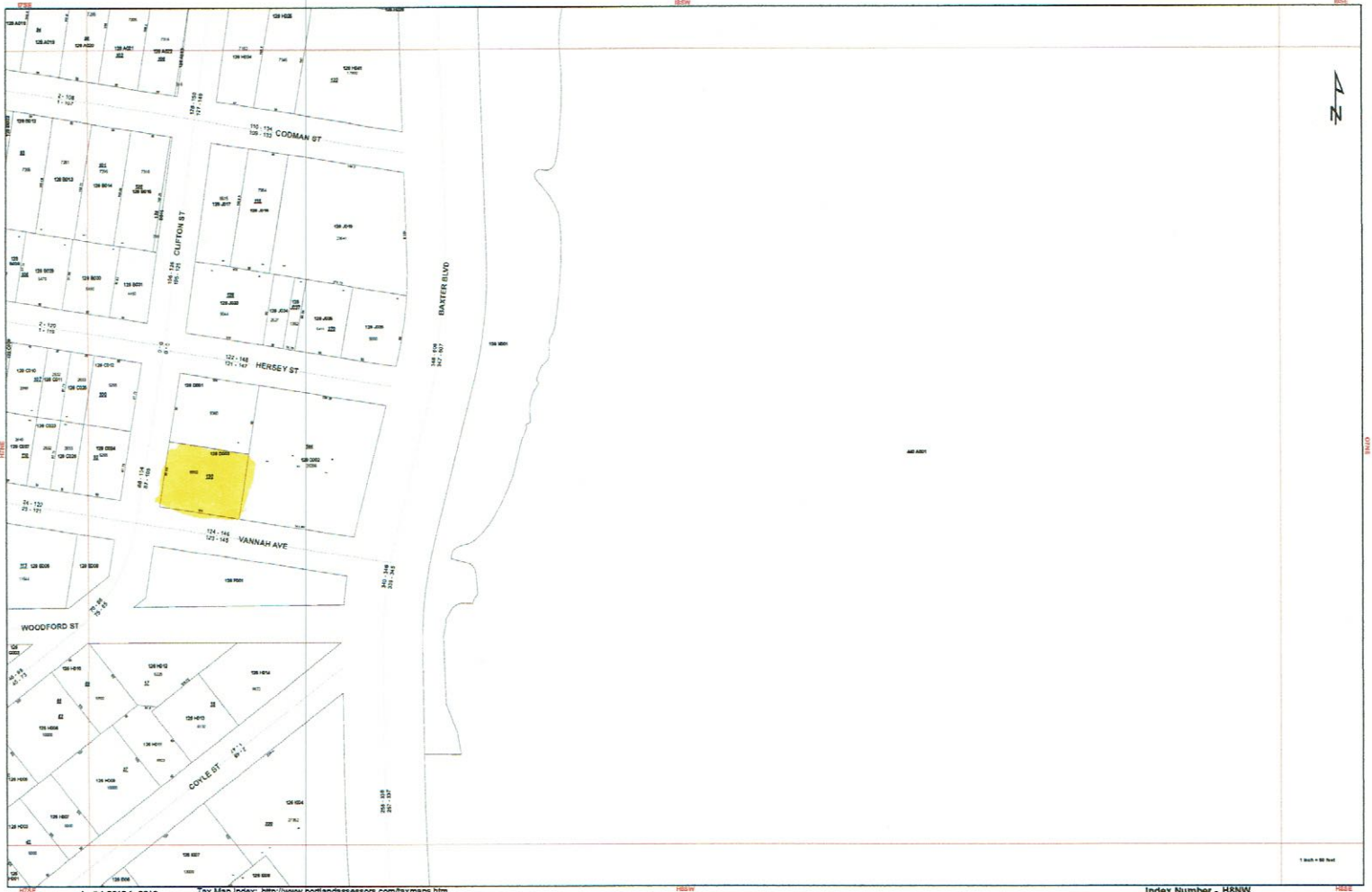
The land does not fall within the special flood hazard zone.

A wetlands study has not been performed.

Livingston-Hughes
Professional Land Surveyors
88 Guinea Road
Kennebunkport, Maine 04046
207-967-9761 phone 207-967-4831 fax
www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

ASSESSOR'S MAP



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MAINE REAL ESTATE TAX PAID

QUITCLAIM DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS that **STEVEN S. SHAW** of Portland, Maine grants to **KENNETH HARRINGTON-HOWES** and **ELIZABETH HARRINGTON-HOWES** whose mailing address is 138 5 Mile River Road, Darien, CT 06820-6236, as joint tenants, with Quitclaim Covenant, the land with any buildings thereon, situated in Portland, Cumberland County, Maine, bounded and described as follows:

**SEE EXHIBIT A ATTACHED HERETO
AND INCORPORATED BY REFERENCE HEREIN**

Meaning and intending to convey, and hereby conveying, the premises described in a Trustee's Deed dated September 18, 2009 from James A. Houle, Trustee of the Fernande H. Pio Revocable Trust dated July 31, 1992 to the Grantor herein and recorded in the Cumberland County Registry of Deeds in Book 27266, Page 100.

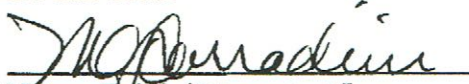
IN WITNESS WHEREOF, the said Steven S. Shaw has hereunto set his hand and seal this 24 day of March, 2016.


Steven S. Shaw

**STATE OF MAINE
CUMBERLAND ss.**

March 24, 2016

Then personally appeared before me the above-named Steven S. Shaw and made oath that the foregoing instrument is his free act and deed.


Notary Public/Attorney at Law

Typed or printed name

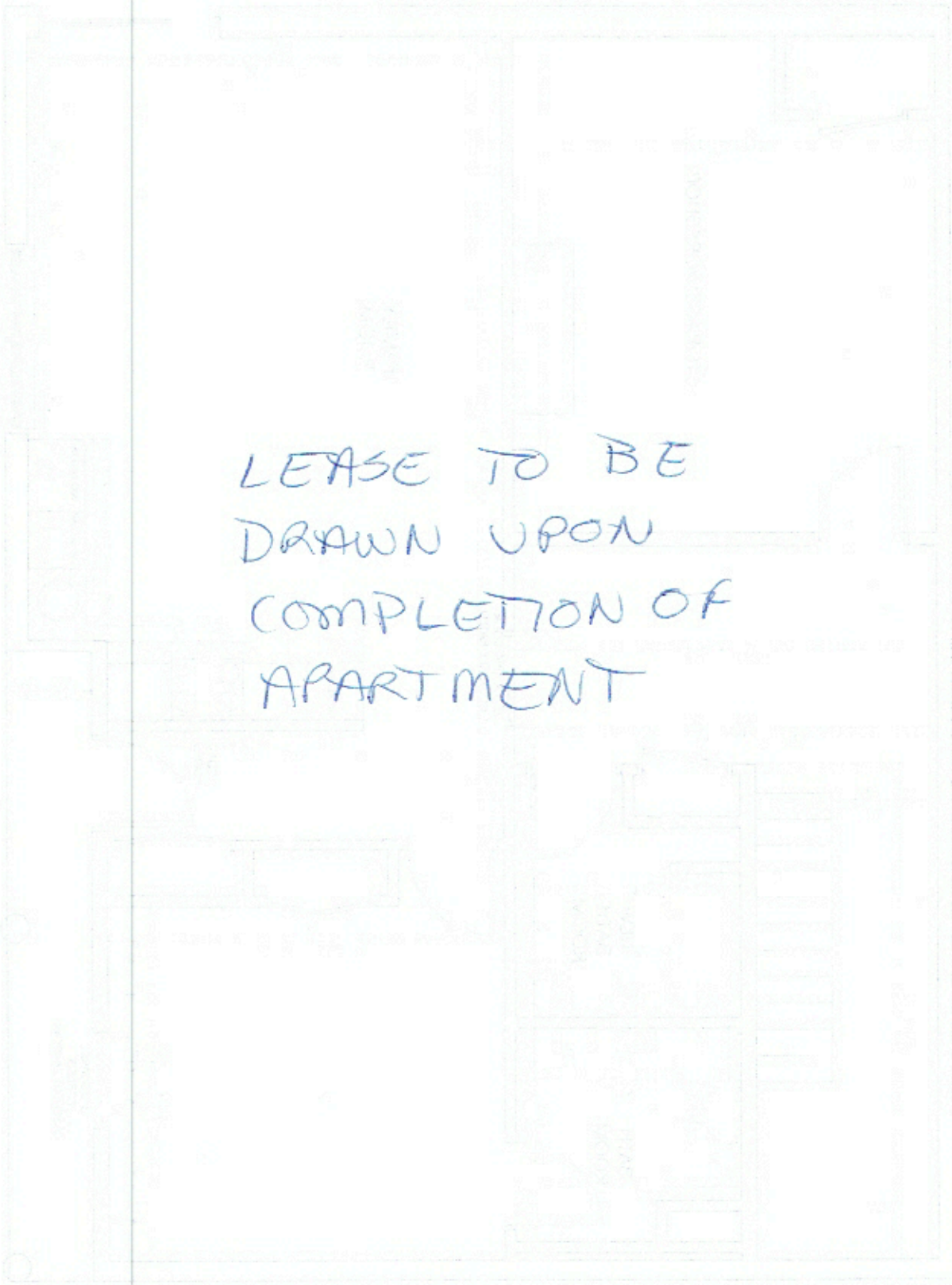
Marcia G. Corradini
Notary Public, Maine
My Commission Expires September 15, 2019

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, located on Vannah Avenue, Portland, Cumberland County, Maine and more particularly described as follows:

Beginning at a point on the southeasterly side of Clifton Street, which point is the most southwesterly corner of a certain lot of land conveyed by Guiseppe Pio to Nicolina T. Martinez et als. by deed recorded in the Cumberland County Registry of Deeds in Book 2117, Page 317; thence southeasterly along the line of said Martinez land one hundred four (104) feet to a point, which is the most southeasterly corner of said Martinez land; thence on a southwesterly course and parallel to said Clifton Street to the northeasterly sideline of Vannah Avenue; thence northwesterly by Vannah Avenue to the intersection of said northeasterly side of Vannah Avenue with the southeasterly side of Clifton Street; thence northeasterly by said Clifton Street to the point of beginning.

Received
Recorded Register of Deeds
Mar 30, 2016 01:45:31P
Cumberland County
Nancy A. Lane

A faint architectural floor plan of an apartment unit is visible in the background. It shows a rectangular layout with several rooms, including a kitchen area with a sink and stove, a living area, a bedroom, and a bathroom. There are also some smaller rooms and a staircase area. The drawing is very light and serves as a reference for the text.

LEASE TO BE
DRAWN UPON
COMPLETION OF
APARTMENT