

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Gordon Smith-chair
Sara Moppin-secretary
William Getz
Mark Bower
Eric Larsson
Chip Gavin
Kent Avery

September 13, 2013

Keith Dunlap
Black Cat Coffee
463 Stevens Avenue
Portland, ME 04103

RE: 197 Pleasant Avenue /463 Stevens Avenue
CBL: 132 J001
ZONE: B1

Dear Mr. Dunlap,

At the September 12, 2013 meeting, the Zoning Board of Appeals voted 5-0 to grant your Miscellaneous Appeal to have your five parking spaces off site and they voted 5-0 to grant your Conditional Use Appeal to open a restaurant at 463 Stevens Avenue. I am enclosing a copy of the Board's decisions. You will also find an invoice showing that your fees have been paid in full.

Now that the conditional use appeal has been approved, you need to submit an application to change the use of the property from retail to restaurant. I have enclosed an application for the change of use, but you may also find it on the city website under the Inspections Division. You have six months from the date of the meeting, September 13, 2013, referenced under section 14-474(f) to obtain the permit, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: September 13, 2013

RE: Action taken by the Zoning Board of Appeals on September 12, 2013.

Members Present: Mark Bower, William Getz Kent Avery, Eric Larsson, Sara Moppin (secretary), and Gordon Smith (chair)

Members Absent: Chip Gavin

1. New Business

A. Practical Difficulty Appeal:

12 Romasco Lane, Nicholas DeFries, owner, Tax Map 013, Block I, Lot 019, R-6 Residential Zone: There is an existing thirteen (13) foot by six (6) foot, six (6) inch ground level rear deck that was built without a permit. There is also currently a third floor landing and second floor deck above the ground floor deck with stairs leading down to the ground, also not permitted. None of these structures meet the required rear or side setback. The applicant has submitted a permit to keep the ground floor deck and remove the third floor landing, second floor deck and stairs and replace them with a second and third floor deck. The appellant is requesting a variance for the rear setback from the required twenty (20) feet to zero feet and for the side setback from the required ten (10) feet to one (1) foot [sections 14-139(a)(4)(b)&(c)]. Representing the appeal is the owner. **The Zoning Board of Appeals voted 5-0 to deny the appeal to reduce the rear and side setbacks for the exiting deck and proposed decks.**

B. Miscellaneous Appeal:

197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is planning to open a restaurant at 463 Stevens Avenue. Five (5) off- street parking spaces are required [section 14-332(i)]. The appellant is requesting a variance under section 14-334 to locate the parking spaces off site, 180 feet from the restaurant. Representing the appeal is the lessee. **The Zoning Board of Appeals voted 5-0 to grant the appeal to have the five required parking spaces located off site.**

C. Conditional Use Appeal:

197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is seeking a Conditional Use Appeal under section 14-163(a)(1) to establish a restaurant at 463

Stevens Avenue. Representing the appeal is the lessee. **The Zoning Board of Appeals voted 5-0 to grant the appeal to allow the restaurant as a conditional use.**

2. Other Business

Review proposed Planning Board text amendments to Section 14-474 - Conditional Uses.
Discussed as per email input.

Enclosure:

Decision for Agenda from September 12, 2013

One DVD

CC: Mark Rees, City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-1 Neighborhood Business Zone (Restaurant):

Conditional Use Appeal

DECISION

Date of public hearing: September 12, 2013

Name and address of applicant: Keith Dunlap
Black Cat Coffee
463 Stevens Ave.
Portland, ME 04103

Location of property under appeal: 197 Pleasant Ave.

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Keith Dunlap, applicant
William Spear, 64 Bradley Street, Portland

Exhibits admitted (e.g. renderings, reports, etc.):

16 letters and emails from neighbors and patrons in support of the appeal.

Findings of Fact and Conclusions of Law:

The applicant is requesting a conditional use permit for a property located within the B-1 zone, in order to expand the existing business from 9 to 23 seats, thus establishing a restaurant under Section 14-47. The floor space for public use is 728.31 square feet. Current operating hours of 6 am to 6 pm Monday through Saturday and 7:30 am to 3 pm Sunday will remain the same. Food service and consumption account for 100% of the business. There is no drive through service.

A. Conditional Use Standards pursuant to Portland City Code §14-163(a):

1. The use applied for is a restaurant, i.e., a food service establishment with indoor seating capacity for ten (10) or more patrons.

Satisfied 5 Not Satisfied 0

Reason and supporting facts:

Establishment will serve coffee and pastries, and will have indoor seating for 23 patrons. for human consumption

2. Maximum total floor area for use of the public shall be one thousand (1,000) square feet.

Satisfied 5 Not Satisfied 0

Reason and supporting facts:

Application shows total floor area for public use will be 728.31 square feet.

3. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day.

Per application and testimony, the hours of operation will be 6:30am Monday through ~~Saturday~~ Fri, ~~Sat 7:30 AM - 6:00 pm~~ to 6:00 pm ~~during the week~~ and ~~and 7:30 AM to 3:00 pm on Sunday~~

Satisfied 5 Not Satisfied 0

Reason and supporting facts:

4. Food service and consumption are the primary function of the restaurant.

Satisfied 5 Not Satisfied 0

Reason and supporting facts:

Service of coffee and pastries
will be the primary function

There will be No alcohol service.

5. There shall be no drive-through service.

Satisfied 5 Not Satisfied 0

Reason and supporting facts:

Per applicant testimony and
application materials, there will be no
drive-through service.

6. The use will generate no more than 100 peak hour vehicle trips per 2000 sq. ft. of space. (Note: the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.)

Establishment ^{is estimated to} ~~would only~~ generate only
53 and 20 vehicle trips at morning and
afternoon peak³ hour, respectively.

Satisfied 5 Not Satisfied 0

Reason and supporting facts:

Institute of Transportation Engineers estimates morning average total of 73 peak hour vehicle trips. Applicant has observed fewer ~~the~~ vehicle trips and more pedestrian-oriented use.

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes 5 No 0

Reason and supporting facts:

Per testimony and letters of support, neighbors believe the ~~the~~ establishment will be a good fit with neighborhood and will have less of an overall impact due to fact that there will be no ~~an~~ on-premises

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes 5 No 0

Reason and supporting facts:

Per patron testimony and emails and letters of support, establishment is food prep.

projected to have a positive
net impact on the
neighborhood.

~~#~~ No evidence of any detrimental
impacts has been
submitted.

3. Such impact differs substantially from the impact which would normally occur
from such a use in that zone.

Yes 5 No 0

Reason and supporting facts:

Per testimony, ^{much of the} traffic will be pedestrian
oriented, there will be less of
an impact compared to a more
vehicle-oriented use. No testimony
that this use will be different
than any other coffee shop use in
the zone.

Conclusion: (check one)

Option 1: The Board finds that all of the standards (1 through 6) described in
section A above have been satisfied and that not all of the conditions (1 through 3)
described in section B above are present, and therefore GRANTS the application.

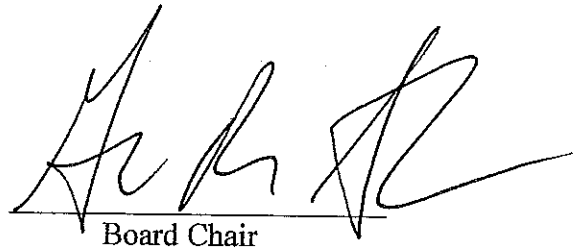
___ Option 2: The Board finds that the all of the standards (1 through 6) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

___ Option 3: The Board finds that the standards (1 through 6) described in section A above have NOT all been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

5-0

Dated:

Sept 12, 2013



Board Chair

*being present; Eric Larsson (for 1st Appeal) Kent Avery, Mark Bowe,
Gordy Smith (recused from 1st Appeal) Sara Moppin, William Getz)*
CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

*See, for 18
Appeal*

Members absent: Chip -

APPEAL AGENDA

commenced 6:30 pm

The Board of Appeals will hold a public hearing on Thursday, September 12, 2013 at 6:30 p.m. on the second floor in the City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

1. New Business

A. Practical Difficulty Appeal:

*5-0
Denied*
12 Romasco Lane, Nicholas DeFries, owner, Tax Map 013, Block I, Lot 019, R-6 Residential Zone: There is an existing thirteen (13) foot by six (6) foot, six (6) inch ground level rear deck that was built without a permit. There is also currently a third floor landing and second floor deck above the ground floor deck with stairs leading down to the ground, also not permitted. None of these structures meet the required rear or side setback. The applicant has submitted a permit to keep the ground floor deck and remove the third floor landing, second floor deck and stairs and replace them with a second and third floor deck. The appellant is requesting a variance for the rear setback from the required twenty (20) feet to zero feet and for the side setback from the required ten (10) feet to one (1) foot [sections 14-139(a)(4)(b)&(c)]. Representing the appeal is the owner.

B. Miscellaneous Appeal:

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Granted*
197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is planning to open a restaurant at 463 Stevens Avenue. Five (5) off-street parking spaces are required [section 14-332(i)]. The appellant is requesting a variance under section 14-334 to locate the parking spaces off site, 180 feet from the restaurant. Representing the appeal is the lessee.

C. Conditional Use Appeal:

*5-0
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197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is seeking a Conditional Use Appeal under section 14-163(a)(1) to establish a restaurant at 463 Stevens Avenue. Representing the appeal is the lessee..

2. Other Business

Review proposed Planning Board text amendments to Section 14-474 - Conditional Uses.

3. Adjournment

7:50 pm

Dear zoning board of appeals,

I think that you should give Black cat coff
to open a restaurant because there is lots
of extra space in the area and
Black cat coffee is very nice and
an important neighborhood resource,
sincerely,

Fiona Larsson

Fiona Larsson age 9

69 berkely st,

Marge Schmuckal - Black Cat Coffee

From: Nick Johnson <nick_johnson@apple.com>
To: "mes@portlandmaine.gov" <mes@portlandmaine.gov>
Date: 9/12/2013 12:44 PM
Subject: Black Cat Coffee

Hello Ms. Schmuckal, I'm writing to support the addition of more seating at the Black Cat Coffee shop on Stevens Ave (technically 197 Pleasant Ave.) in Deering Center. I am a resident of the neighborhood, my wife and I own 38 Leonard St a few blocks from the cafe. We love Black Cat and feel it represents a much-needed resource in the neighborhood. I believe there is a hearing this evening. Thank you!

-Nick Johnson & Reeve Chace

Nick Johnson, Technical Services Consultant
Apple Education
Apple Inc.
(207) 332-6741
www.apple.com/education

From: Pamela Fiorentino <pamfiorentino@gmail.com>
To: <mes@portlandmaine.gov>
Date: 9/9/2013 10:59 AM
Subject: BLACK COW!

Marge,
Please allow the BLACK COW to put in more seats/tables so we can ALL enjoy our wonderful little neighborhood cafe!
(Also, we really love Annegret!)
Fun place to RELAX and soak up the ambiance!
Thanks!
Pamela Canter Fiorentino :)

From: Matteson Nadeau <mattesonleigh@gmail.com>
To: <mes@portlandmaine.gov>
Date: 9/2/2013 3:34 PM
Subject: Black Cat Coffee zoning - 197 Pleasant Street, Portland ME 04103

Good Afternoon Marge,

I'm dropping a note in support of our favourite new coffee shop out in Deering! We'd love to see The Black Cat able to expand their seating so more people can enjoy the wonderful atmosphere and purr-fect coffee!

Be sure to stop by yourself sometime! Best coffee in Portland. :)

Sincerely,

Matteson Nadeau - Very local patron.

From: Mike <hanes.michael@gmail.com>
To: "mes@portlandmaine.gov" <mes@portlandmaine.gov>
Date: 9/2/2013 3:35 PM
Subject: Black cat seating

Marge,
I support additional seating at the black cat cafe. Families have to sit on the windowsills when it's moderately busy and I've seen customers walk in, look for a seat then leave if the chairs are taken.

Thank you for understanding and allowing the black cat to become a larger part of the community.

Warm regards,

Mike

From: Anthony Kaufman <antkaufman@gmail.com>
To: <mes@portlandmaine.gov>
Date: 9/3/2013 9:16 AM
Subject: Black Cat Coffee, 197 Pleasant

Dear Marge Schmuckal,

I am writing to you as a resident of the Deering neighborhood and as a frequent patron of Black Cat Coffee, at 197 Pleasant Ave. In just the first few weeks since the establishment has been opened, it has proven itself to be a valuable community hub and warm and inviting new business for neighbors to gather and buy coffee and snacks.

Please allow Black Cat Coffee to add more seats to accommodate more patrons. They have a large space, and it will only make it a more flourishing environment, for both the neighborhood and the local economy.

Best,

Anthony Kaufman
110 Clinton St
207-619-7439

From: Jeff Van West <jvw@vanwestco.com>
To: <mes@portlandmaine.gov>
Date: 9/3/2013 10:44 AM
Subject: More seating for Black Cat Coffee please!

Hello. I'm voicing my support as a Portland resident and voter for the zoning board to allow more seating at Black Cat Coffee at 197 Pleasant ave (storefront on Stevens). This is a great addition to our neighborhood and can easily support more seating for additional use.

Thanks in advance for your support on this.

Jeff Van West

From: Andrew Watson <andrewwatson72@gmail.com>
To: "mes@portlandmaine.gov" <mes@portlandmaine.gov>
CC: <mebwatson@hotmail.com>
Date: 9/4/2013 9:27 AM
Subject: Black cat coffee

Hello. I support adding more seats to black cat coffee on 197 pleasant, deering center.

Thanks
Andrew Watson
14 Mabel st.

From: Maryann Donahue <donahuemaine@gmail.com>
To: "mes@portlandmaine.gov" <mes@portlandmaine.gov>
Date: 9/4/2013 12:54 PM
Subject: Black Cat Coffee

Hi Marge,

I imagine you have already gotten a number of emails, but I wanted to add my voice to the chorus of people who are singing the praises of Black Cat Coffee. My family has lived in Deering Center for the last eight years and we have long wished that there was a local, independent coffee shop in the neighborhood. Black Cat Coffee is even better than we hoped it would be--great coffee and food, attractive decor, low-key atmosphere, family friendly--it is a perfect fit for the neighborhood. I have already spent quite a bit of time there (I am a freelance grant writer and do a lot of my work in coffee shops), and I can tell that a lot of other neighborhood residents share my enthusiasm. The only problem with the place is that there aren't enough seats, so I hope you will allow them to add more!

Thank you very much for your time.

Sincerely,

Maryann Donahue
25 Elmwood Street
286-5488

Marge Schmuckal - Zoning Request

From: Cathie Whittenburg <cathiewhit@gmail.com>
To: <mes@portlandmaine.gov>
Date: 9/5/2013 10:46 AM
Subject: Zoning Request

Dear Ms. Schmuckal,

I am writing to support the zoning change request for Black Cat Coffee, 197 Pleasant Ave. The coffee house is a wonderful addition to the group of neighborhood stores. Clearly they have the room for additional seating and they should be given this opportunity.

I stopped in the store yesterday and was quite pleased to see all the seats occupied. In the back there was a group of mothers with their small children. In front friends were visiting. And at the tables on the side people were enjoying coffee and wi-fi. It was an incredibly inviting atmosphere.

I hope that they are granted the zoning change and allowed to add additional seating.
Thank you for your consideration.

Sincerely,

Cathie Whittenburg
Portland, Maine

Marge Schmuckal - Fwd: Black Cat Coffee Seating

From: Jeanne P <jeanne@whipplecallender.com>
To: <mes@portlandmaine.gov>
Date: 9/5/2013 9:48 AM
Subject: Fwd: Black Cat Coffee Seating

Good Morning Marge,
I just wanted to write a note in support of additional seating for the newly opened Black Cat Coffee Shop.

I both work and live in the immediate vicinity and I see this establishment as an improvement to the neighborhood (being a coffee drinker).
I think it is important for the vitality and safety of the area to have a place where people are regularly coming and going as a positive and not a negative and I want them to be long-lasting.

This neighborhood reminds me of my old neighborhood (back in the 80s) on Huron Ave in Cambridge. A nice quiet neighborhood with some real fixtures for shops that are still there today.

Thank you.

Jeanne Paterak
Director of Marketing

WHIPPLE-CALLENDER ARCHITECTS
PO Box 1276
Portland, ME 04103
207.775.2696 ext 103
www.whipplecallender.com

Marge Schmuckal - black cat

From: Kerry Dunn <dunn5226@gmail.com>
To: <mes@portlandmaine.gov>
Date: 9/6/2013 9:08 AM
Subject: black cat

Dear Marge,

The Black Cat is a wonderful addition to the businesses on Stevens Ave. As an employee, I appreciate having a pleasant place to sit, enjoy some coffee, and grade papers near my office (but not in my office). More seats would allow more students, faculty and neighbors to use the space for studying, having meetings, and catching up.

Sincerely,
Kerry Dunn
207-332-7202

Marge Schmuckal - zoning for Black Cat Coffee

From: Jennifer Boggs <jenlboggs@gmail.com>
To: <mes@portlandmaine.gov>
Date: 9/9/2013 8:13 AM
Subject: zoning for Black Cat Coffee

Dear Ms. Schmuckal,

I live and work in the Deering neighborhood and am so grateful to have a local coffee place in Black Cat Coffee.

I am a freelancer and am always looking for good places to bring clients for meetings, as well as to do some work-- Black Cat has good coffee and wireless!

In short, I support Black Cat Coffee in the effort to add more seats to the small cafe. Please let me know if you have any questions, and thanks for listening.

Sincerely,
Jen Boggs
482-3767

From: Erin Kusch <tsumekuchi@gmail.com>
To: "mes@portlandmaine.gov" <mes@portlandmaine.gov>
Date: 9/7/2013 6:07 PM
Subject: Black cat coffee

I am a fairly regular patron at Black Cat Coffee as well as a resident of the Deering neighborhood. I am writing to show my support for increased seating at their charming coffee shop. I understand that zoning permitted no more than 10 seats. While keeping the area more neighborhood based than commerce is important, I do not think it will harm the Deering Corner area if more seating is permitted. As their small local business grows, they will bring a few jobs as well as strengthen the communities culture. I see nothing but positive things in the allowance of a few more seating options in a coffee shop that has a free library, WiFi and a welcoming atmosphere. I hope my input helps with your decision.

Regards,
Erin Lee Kusch.

Sent from my iPhone

Marge Schmuckal - Correction!

From: Pamela Fiorentino <pamfiorentino@gmail.com>
To: "mes@portlandmaine.gov" <mes@portlandmaine.gov>
Date: 9/9/2013 4:51 PM
Subject: Correction!

The correct name of the establishment I was referring to is BLACK CAT COFFEE (on 197 Pleasant Avenue), not BLACK COW! :)
PCF

Begin forwarded message:

From: Pamela Fiorentino <pamfiorentino@gmail.com>
Subject: BLACK COW!
Date: September 9, 2013 8:06:25 AM PDT
To: mes@portlandmaine.gov
Bcc: Annegret Baier <annegret@maine.rr.com>

Marge,
Please allow the BLACK COW to put in more seats/tables so we can ALL enjoy our wonderful little neighborhood cafe!
(Also, we really love Annegret!)
Fun place to RELAX and soak up the ambiance!
Thanks!
Pamela Canter Fiorentino :)

Marge Schmuckal - Add more seating to Black Cat Coffee

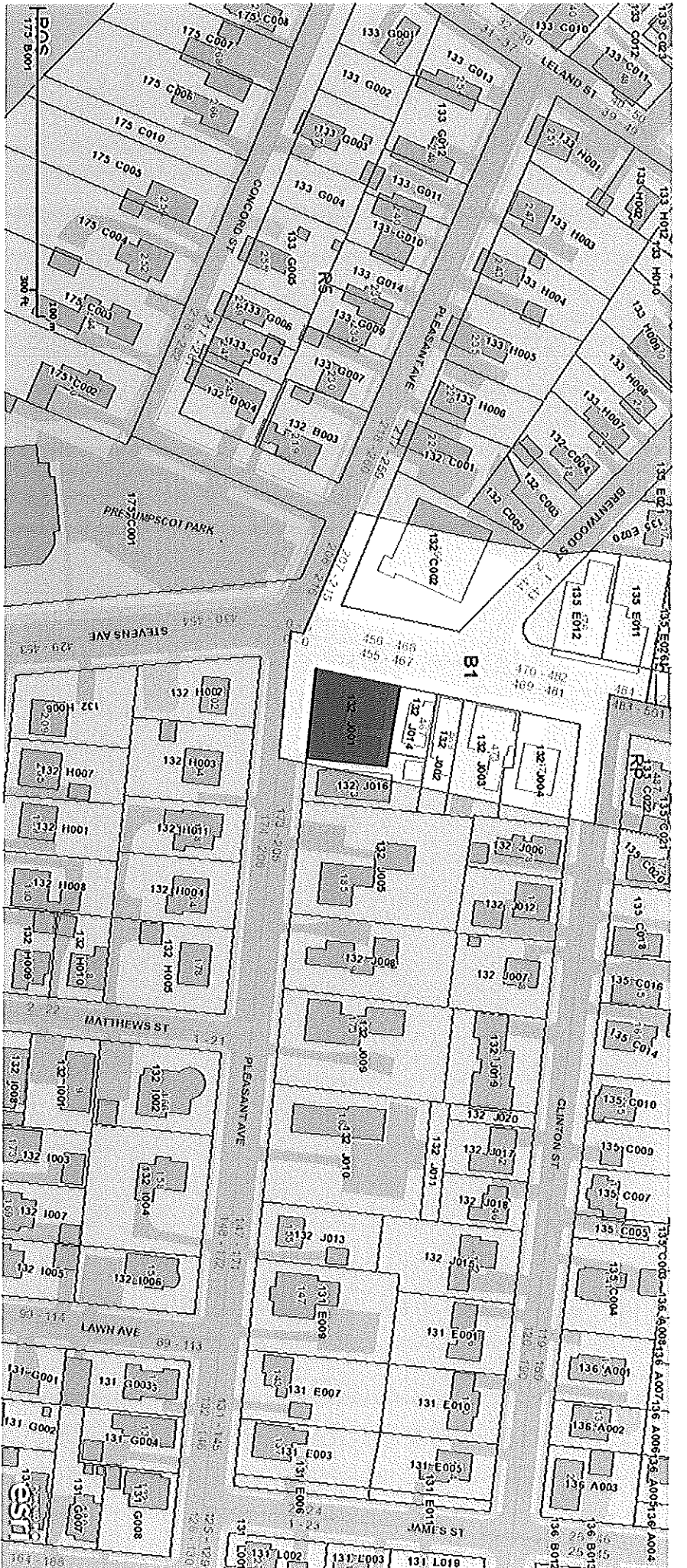
From: "Justin Jaffe" <jaffej@gmail.com>
To: <mes@portlandmaine.gov>
Date: 9/9/2013 12:59 PM
Subject: Add more seating to Black Cat Coffee

Hi Marge,

I'm writing to you on behalf of Black Cat Coffee – a great and much needed addition to our neighborhood. I strongly encourage you to allow them to add more seating to the establishment, as it's far too limited at the moment.

Thanks,
Justin Jaffe
19 Bedell Street

197 Pleasant Ave / 463 Stevens Ave



Copyright 2011 Esri. All rights reserved. Tue Aug 27 2013 08:16:27 AM



City of Portland Zoning Board of Appeals

September 4, 2013

Keith Dunlap
Black Cat Coffee
463 Stevens Avenue
Portland, ME 04103

Dear Mr. Dunlap,

Your Miscellaneous Appeal and Conditional Use Appeal have been scheduled to be heard before the Zoning Board of Appeals on **Thursday, September 12, 2013 at 6:30 p.m.** in the City Council Chambers located on the second floor of City Hall.

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

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

I have also included the bill for the legal ad, the notices for the appeals and the processing fee. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315, attn. Ann Machado
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File

CITY OF PORTLAND
 DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1777	Applicant: KEITH DUNLAP
Project Name: 197 PLEASANT AVE	Location: 197 PLEASANT AVE
CBL: 132 J001001	Application Type: Miscellaneous
Invoice Date: 09/04/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due		Payment Due Date
\$100.00		\$100.00		\$400.68		\$400.68		\$0.00		On Receipt

Previous Balance	\$100.00
Payment Received 8/27/2013 - Thank you	\$100.00

Fee Description	Qty	Fee/Deposit Charge
	1	\$100.00
Processing Fee	1	\$50.00
Notices - ZBA	98	\$73.50
Legal Advertisements - ZBA	1	\$177.18
		\$400.68

Total Current Fees:	+	\$400.68
Total Current Payments:	-	\$400.68
Amount Due Now:		\$0.00

pd 9/9/13
check # 75

CBL 132 J001001
 Bill to: KEITH DUNLAP
 463 STEVENS AVE
 PORTLAND, ME 04103

Application No: 0000-1777
 Invoice Date: 09/04/2013
 Invoice No: 42477
 Total Amt Due: \$0.00
 Payment Amount: \$400.68



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

8.22 2013

Received from Keith Dunkap
Location of Work 197 Pleasant Ave (463 Stevens)

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 100

RECEIVED
AUG 22 2013
Dept. of Building Inspections
City of Portland Maine

Building (IL) _____ Plumbing (I5) _____ Electrical (I2) _____ Site Plan (U2) _____

Other Zoning Conditional Use.

CBL: 132-5-1

Check #: 0039 Total Collected \$ 100

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: [Signature]

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy

Ann Machado - RE: Zoning Board of Appeals Legal Ad

From: classified <Classified@mainetoday.com>
To: Ann Machado <AMACHADO@portlandmaine.gov>
Date: 9/3/2013 10:05 AM
Subject: RE: Zoning Board of Appeals Legal Ad
Attachments: 4905225.pdf

Hello,

Attached you will find a proof of your notice to run on 9/6 for the amount of \$265.78.

Thanks

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Tuesday, September 03, 2013 9:37 AM
To: classified
Subject: Zoning Board of Appeals Legal Ad

Joan -

Attached is the Zoning Board of Appeals legal ad for Friday, September 6, 2013.

Thanks.

Ann

Ann Machado
Zoning Specialist
Planning & Urban Development
Portland City Hall
(207) 874-8709

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

**IMPORTANT NOTICE FROM CITY OF PORTLAND
ZONING BOARD OF APPEALS**

IN THE VICINITY OF 197 PLEASANT AVE

The Zoning Board of Appeals will hold a public hearing on Thursday, September 12, 2013 at 6:30 p.m. on the second floor in City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine to hear the following appeals.

Miscellaneous Appeal:

197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is planning to open a restaurant at 463 Stevens Avenue. Five (5) off-street parking spaces are required [section 14-332(i)]. The appellant is requesting a variance under section 14-334 to locate the parking spaces off site, 180 feet from the restaurant. Representing the appeal is the lessee.

Conditional Use Appeal:

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For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695.

**IMPORTANT NOTICE FROM CITY OF PORTLAND
ZONING BOARD OF APPEALS**

IN THE VICINITY OF 197 PLEASANT AVE

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**IMPORTANT NOTICE FROM CITY OF PORTLAND
ZONING BOARD OF APPEALS**

IN THE VICINITY OF 197 PLEASANT AVE

The Zoning Board of Appeals will hold a public hearing on Thursday, September 12, 2013 at 6:30 p.m. on the second floor in City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine to hear the following appeals.

Miscellaneous Appeal:

197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is planning to open a restaurant at 463 Stevens Avenue. Five (5) off-street parking spaces are required [section 14-332(i)]. The appellant is requesting a variance under section 14-334 to locate the parking spaces off site, 180 feet from the restaurant. Representing the appeal is the lessee.

Conditional Use Appeal:

197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is seeking a Conditional Use Appeal under section 14-163(a)(1) to establish a restaurant at 463 Stevens Avenue. Representing the appeal is the lessee.

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695.

**IMPORTANT NOTICE FROM CITY OF PORTLAND
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Miscellaneous Appeal:

197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is planning to open a restaurant at 463 Stevens Avenue. Five (5) off-street parking spaces are required [section 14-332(i)]. The appellant is requesting a variance under section 14-334 to locate the parking spaces off site, 180 feet from the restaurant. Representing the appeal is the lessee.

Conditional Use Appeal:

197-201 Pleasant Avenue & 457-463 Stevens Avenue, Keith Dunlap, lessee, Tax Map 132, Block J, Lot 001, B-1 Neighborhood Business Zone: The applicant is seeking a Conditional Use Appeal under section 14-163(a)(1) to establish a restaurant at 463 Stevens Avenue. Representing the appeal is the lessee.

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695.

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
132 B001001	MICHAELS JOHN P & HEIDI E MICHAELS JTS	243 CONCORD ST W PORTLAND, ME 04103	243 CONCORD ST W	3
132 B003001	DEERING KIMBERLY & MATTHEW DEERING JTS	219 W CONCORD ST PORTLAND, ME 04103	219 CONCORD ST W	1
132 C001001	WINCELE ELLIOTT	113 GLENWOOD AVE PORTLAND, ME 04103	227 PLEASANT AVE	4
132 C002001	CENTRAL SQUARE BAPTIST	466 STEVENS AVE PORTLAND, ME 04103	466 STEVENS AVE	1
132 C003001	CENTRAL SQUARE BAPTIST	14 BRENTWOOD ST PORTLAND, ME 04103	14 BRENTWOOD ST	1
132 C004001	BRENTWOOD DARTMOUTH LLC	96 PERCY HAWKES RD WINDHAM, ME 04062	18 BRENTWOOD ST	2
132 C005001	CENTRAL SQUARE BAPTIST	466 STEVENS AVE PORTLAND, ME 04103	12 BRENTWOOD ST	1
132 G001001	LEWIS ELIZABETH M & BARRY J JTS	411 STEVENS AVE PORTLAND, ME 04103	411 STEVENS AVE	1
132 G002001	HALE HANNELORE A	208 CONCORD ST PORTLAND, ME 04103	208 CONCORD ST	1
132 G003001	MAURICE JOHN N & NANCY B CALDWELL JTS	41 TREMONT ST PORTLAND, ME 04103	41 TREMONT ST	1
132 G005001	FENTON LINDA A & JOHN P JTS	198 CONCORD ST PORTLAND, ME 04103	198 CONCORD ST	1
132 G009001	TALBOTT DAVID E & MARY ELLEN DESCHENES JTS	186 CONCORD ST PORTLAND, ME 04103	186 CONCORD ST	2
132 G020001	WALKER MICHAEL R & CATHERINE A JTS	182 CONCORD ST PORTLAND, ME 04103	182 CONCORD ST	1
132 G022001	RANDALL GARY T & MARY ELLEN RANDALL JTS	202 CONCORD ST PORTLAND, ME 04103	202 CONCORD ST	1
132 H001001	JORDAN MARK C	199 CONCORD ST PORTLAND, ME 04103	199 CONCORD ST	1
132 H002001	SWAN STEPHEN T & BARBARA J	202 PLEASANT AVE PORTLAND, ME 04103	202 PLEASANT AVE	2
132 H003001	O'BRIEN JOHN B KW VET & JADINE F OR SURV	194 PLEASANT AVE PORTLAND, ME 04103	194 PLEASANT AVE	1
132 H004001	LITTELL PENNY	184 PLEASANT AVE PORTLAND, ME 04103	184 PLEASANT AVE	1
132 H005001	WARREN DIANA M	178 PLEASANT AVE PORTLAND, ME 04103	178 PLEASANT AVE	1
132 H006001	WORDEN JON D & KELLY LANNON WORDEN JTS	209 CONCORD ST PORTLAND, ME 04103	209 CONCORD ST	1
132 H007001	HERR SALLY BLANCHE	205 CONCORD ST PORTLAND, ME 04103	205 CONCORD ST	1
132 H008001	REILLY EDWARD E & ELLEN C ANDERSON JTS	193 CONCORD ST PORTLAND, ME 04103	193 CONCORD ST	1
132 H009001	AKERS RICHARD H & MARGARET JTS	187 CONCORD ST PORTLAND, ME 04103	187 CONCORD ST	1
132 H010001	ROSEN SHARON L & JOHN W NEWTON	8 MATTHEWS ST PORTLAND, ME 04103	8 MATTHEWS ST	1
132 H011001	MEEHAN ARI C & JESSICA A MEEHAN JTS	188 PLEASANT AVE PORTLAND, ME 04103	188 PLEASANT AVE	2
132 I001001	CLIFFORD PAUL	9 MATTHEWS ST # 1 PORTLAND, ME 04103	9 MATTHEWS ST UNIT 1	1
132 I001002	HAHN DANIEL J	9 MATTHEWS ST # 2 PORTLAND, ME 04103	9 MATTHEWS ST UNIT 2	1
132 I001003	BYRD STEVEN & DANIELA BASSAIN MORAES JTS	9 MATTHEWS ST # 3 PORTLAND, ME 04103	9 MATTHEWS ST UNIT 3	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
132 I002001	KAPP BARBARA A	166 PLEASANT AVE # 1 PORTLAND, ME 04103	166 PLEASANT AVE UNIT 1	1
132 I002002	BLACKINTON AMY M	166 PLEASANT AVE # 2 PORTLAND, ME 04103	166 PLEASANT AVE UNIT 2	1
132 I002003	MARTIN HEATHER G	166 PLEASANT AVE # 3 PORTLAND, ME 04103	166 PLEASANT AVE UNIT 3	1
132 I002004	LIMERICK ELIZABETH L	166 PLEASANT AVE # 4 PORTLAND, ME 04103	166 PLEASANT AVE UNIT 4	1
132 I002005	KUECK WILLIAM A	166 PLEASANT AVE # 5 PORTLAND, ME 04103	166 PLEASANT AVE UNIT 5	1
132 I003001	ROBERGE GUY R & LYNN U	40 GUNSTOCK RD SCARBOROUGH, ME 04074	173 CONCORD ST	2
132 I004001	CROCKER DAVID P	158 PLEASANT AVE PORTLAND, ME 04103	158 PLEASANT AVE	2
132 I008001	STURDIVANT LAWRENCE J	191 STATE RD #3 KITTELY, ME 03904	3 MATTHEWS ST	2
132 J001001	RICE GEOFFREY I	657 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	197 PLEASANT AVE	6
132 J002001	PARA JAMES & REDI DEDE	PO BOX 245 STANDISH, ME 04084	469 STEVENS AVE	1
132 J003001	SHAMOS STAVROS HEIRS	80 VANNAH AVE PORTLAND, ME 04103	473 STEVENS AVE	1
132 J004001	SHAW CATHERINE M	PO BOX 10985 PORTLAND, ME 04104	475 STEVENS AVE	1
132 J005001	JORDAN CHRISTOPHER J	185 PLEASANT AVE PORTLAND, ME 04101	185 PLEASANT AVE	4
132 J006001	DUTTON R SCOTT & MELISSA W MAHER JTS	178 CLINTON ST PORTLAND, ME 04103	178 CLINTON ST	1
132 J007001	BUTTRICK NORMAN L	168 CLINTON ST PORTLAND, ME 04103	168 CLINTON ST	1
132 J008001	POIRIER NOEL	179 PLEASANT AVE PORTLAND, ME 04103	179 PLEASANT AVE	1
132 J009001	HATZENBUEHLER JOHN R & STEPHANIE HATZENBUEHLER	173 PLEASANT AVE PORTLAND, ME 04103	173 PLEASANT AVE	1
132 J010001	STEVEN SCOTT SHAW LLC	130 VANNAH AVE PORTLAND, ME 04103	163 PLEASANT AVE	4
132 J012001	PROFENNO ANTHONY C JR & ELLEN E JTS	174 CLINTON ST PORTLAND, ME 04103	174 CLINTON ST	1
132 J013001	SINNETT JOANNA	155 PLEASANT AVE PORTLAND, ME 04103	155 PLEASANT AVE	1
132 J014001	IFANTIDES ANITA T & VASILLIS I JTS	20 FOREST ST SACO, ME 04072	467 STEVENS AVE	1
132 J015001	SHAW LIANE M	142 CLINTON ST PORTLAND, ME 04103	142 CLINTON ST	1
132 J016001	ARTINYAN SONYA M & MARK L INGRAHAM JTS	193 PLEASANT AVE PORTLAND, ME 04103	193 PLEASANT AVE	3
132 J017001	DOUCETTE ROBERT E	152 CLINTON ST PORTLAND, ME 04103	152 CLINTON ST	1
132 J018001	BUTTS DAVID J & JENNIFER L SPORZYNSKI JTS	146 CLINTON ST PORTLAND, ME 04103	146 CLINTON ST	1
132 J019001	MCAFEE ROBERT E & DORIS C	158 CLINTON ST PORTLAND, ME 04103	158 CLINTON ST	1
133 G004001	BARLOCK JOHN F & DEBORAH R	267 CONCORD W PORTLAND, ME 04103	259 CONCORD ST W	1
133 G005001	WARMING DIANE L	255 CONCORD ST PORTLAND, ME 04103	255 CONCORD ST W	2

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
133 G006001	BORLAND JEFFREY	36 RUNNELLS ST PORTLAND, ME 04103	249 CONCORD ST W	2
133 G007001	CLARK RUSSELL T	230 PLEASANT AVE PORTLAND, ME 04103	230 PLEASANT AVE	1
133 G009001	STANBRO JENNIFER M & MARK A FORD JTS	234 PLEASANT AVE PORTLAND, ME 04103	234 PLEASANT AVE	1
133 G010001	CRABILL JOHN H & KIM JTS	240 PLEASANT AVE PORTLAND, ME 04103	240 PLEASANT AVE	1
133 G011001	ANDERSON ANDREW C SR & JUDITH M OR SURV	80 BROWN COVE RD WINDHAM, ME 04052	244 PLEASANT AVE	2
133 G014001	BAGLEY BARBARA R & CLIFFORD H JR JTS	236 PLEASANT AVE PORTLAND, ME 04103	236 PLEASANT AVE	3
133 G015001	ADAMS CYNTHIA A	245 CONCORD ST PORTLAND, ME 04103	245 CONCORD ST W	1
133 H003001	SMALL DONALD C & CATHLEEN G JTS	247 PLEASANT AVE PORTLAND, ME 04103	247 PLEASANT AVE	2
133 H004001	DIVINSKY PHILIP & CAROL A GALLAGHER JTS	243 PLEASANT AVE PORTLAND, ME 04103	243 PLEASANT AVE	1
133 H005001	HUNTINGTON JOANNE & GRENVILLE HENRY JONES JTS	801 STEVENS AVE PORTLAND, ME 04103	235 PLEASANT AVE	3
133 H006001	DYER KATHRYN E	377 BRIGHTON AVE PORTLAND, ME 04102	229 PLEASANT AVE	2
133 H007001	SHOLL JOHN D & ELIZABETH N JTS	24 BRENTWOOD ST PORTLAND, ME 04103	24 BRENTWOOD ST	1
133 H008001	WEED BARBARA	26 BRENTWOOD ST PORTLAND, ME 04103	26 BRENTWOOD ST	1
133 H009001	LICHTER JON & MARK LICHTER JTS	187 MILL ST FRAMINGHAM, MA 01701	30 BRENTWOOD ST	4
133 H010001	MACINTYRE ROBERT W & ELIZABETH H MACINTYRE JTS	19 THAXTER ST HINGHAM, MA 02043	34 BRENTWOOD ST	4
135 C002001	MACDUFFIE DANIEL A & CANDIS E JTS	166 HARTLEY ST PORTLAND, ME 04103	166 HARTLEY ST	1
135 C005001	SHAMBAUGH BENJAMIN A & SHARI GODDARD SHAMBAUGH	147 CLINTON ST PORTLAND, ME 04103	147 CLINTON ST	1
135 C008001	ABBOTT ALICE L	146 HARTLEY ST PORTLAND, ME 04103	146 HARTLEY ST	1
135 C009001	GREENLAW CHARLES R & JENNIFER T JTS	155 CLINTON ST PORTLAND, ME 04103	155 CLINTON ST	1
135 C012001	LEDUE ARTHUR B KW VET & DORIS G JTS	150 HARTLEY ST PORTLAND, ME 04103	150 HARTLEY ST	1
135 C014001	RUNGE JEFFREY A & LYNN RUTTER JTS	161 CLINTON ST PORTLAND, ME 04103	161 CLINTON ST	1
135 C015001	MCKENNEY MATTHEW H & CHRISTA L COOK JTS	156 HARTLEY ST PORTLAND, ME 04103	156 HARTLEY ST	1
135 C016001	GILMAN CHRISTINE A & KAREN F PITTS JTS	165 CLINTON ST PORTLAND, ME 04103	165 CLINTON ST	1
135 C017001	REIDMAN TIMOTHY E & MARIE HOLZWARTH REIDMAN	162 HARTLEY ST PORTLAND, ME 04103	162 HARTLEY ST	1
135 C018001	SAWYER DEBORAH A	169 CLINTON ST PORTLAND, ME 04103	169 CLINTON ST	2
135 C019001	499 STEVENS LLC	499 STEVENS AVE PORTLAND, ME 04103	499 STEVENS AVE	1
135 C020001	PIZZO NANCY J	177 CLINTON ST PORTLAND, ME 04103	177 CLINTON ST	2
135 C021001	CARBONE GREGORY & DIANE JTS	571 NEW GLOUCESTOR RD NORTH YARMOUTH, ME 04097	489 STEVENS AVE	3

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135 C022001	CODY WENDY I	487 STEVENS AVE PORTLAND, ME 04103	487 STEVENS AVE	1
135 E009001	KAMINSKY PHILIP F JR & SHERRIE JTS	PO BOX 8607 PORTLAND, ME 04104	502 STEVENS AVE	1
135 E010001	WANK RICHARD	7805 DEER TRAIL DR DALLAS, TX 75238	494 STEVENS AVE	1
135 E011001	VACCHIANO JAIME D	484 STEVENS AVE PORTLAND, ME 04103	484 STEVENS AVE	2
135 E012001	ROCK PROPERTIES LLC	45 WORDSWORTH ST PORTLAND, ME 04103	476 STEVENS AVE	1
135 E020001	SOULE HELEN M & RUSSELL C SOULE JTS	19 BRENTWOOD ST PORTLAND, ME 04103	17 BRENTWOOD ST	2
135 E021001	HAINES STEVEN J	27 BRENTWOOD ST PORTLAND, ME 04103	27 BRENTWOOD ST	2
135 E022001	BURNAP JEFFREY F & MARGOT L FINE JTS	33 BRENTWOOD ST PORTLAND, ME 04103	33 BRENTWOOD ST	1
135 E023001	SIMPSON CHRISTOPHER D	71 LELAND ST PORTLAND, ME 04103	71 LELAND ST	3
135 E025001	LENTZ NANCY L	500 STEVENS AVE PORTLAND, ME 04103	500 STEVENS AVE	1
135 E026001	VACCHIANO JAIME D	490 STEVENS AVE PORTLAND, ME 04103	490 STEVENS AVE	2
175 C002001	FROEHLICH DENISE	240 CONCORD ST PORTLAND, ME 04103	240 CONCORD ST W	3
175 C003001	COBB ALICE W WID WWII VET TRUSTEE	244 CONCORD ST PORTLAND, ME 04103	244 CONCORD ST W	1
175 C004001	MCKOWN RYAN	252 CONCORD ST PORTLAND, ME 04103	252 CONCORD ST W	2
175 C005001	BARTLETT STEPHEN W & CYNTHIA I JTS	256 CONCORD ST PORTLAND, ME 04103	256 CONCORD ST W	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed	99	UNITS	152	

