



**City of Portland, Maine
Planning and Development Department
Zoning Board of Appeals
Conditional Use Appeal Application**

Applicant Information:

Joseph N. Pompeo
Name
Pompeo's Brick Oven Pizza
Business Name
476 Stevens Ave / 45 Wordsworth St.
Address
Portland ME 04103
207-773-1210
Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

Owner
(e.g. owner, purchaser, etc.):

Current Zoning Designation: B1-X

Existing Use of Property:

Vacant for more than 12 month
wants to go back to restaurant

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:

- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally occur from such a use in that 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 above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Joseph N. Pompeo
Signature of Applicant

Subject Property Information:

476 Stevens Ave
Property Address
135-E-012
Assessor's Reference (Chart-Block-Lot)
Property Owner (if different):
SAME
Name
DEPT. OF BUILDING INSPECTION
Address CITY OF PORTLAND, ME
MAR 30 2007
Telephone RECEIVED

Conditional Use Authorized by Section 14 - 474

Type of Conditional Use Proposed:

Restaurant

Pompeo's Brick Oven Pizza

City of Portland

The property at 476 Stevens Ave operated as the Lyric Theater until 1971 when it then burned to the ground. In 1971 the building was rebuilt to its present form and operated as a Cumberland Farms until 1986.

In 1986 Pompeo's Variety then open and operated until 1996 as a Variety store. In 1996 the format change to Pompeo's Brick Oven Restaurant. In 2000 the location changed to M.J. Richio's, which operated until May of 2005.

The location has since been vacant in lieu of a failed attempt to become a Dunkin Donuts.

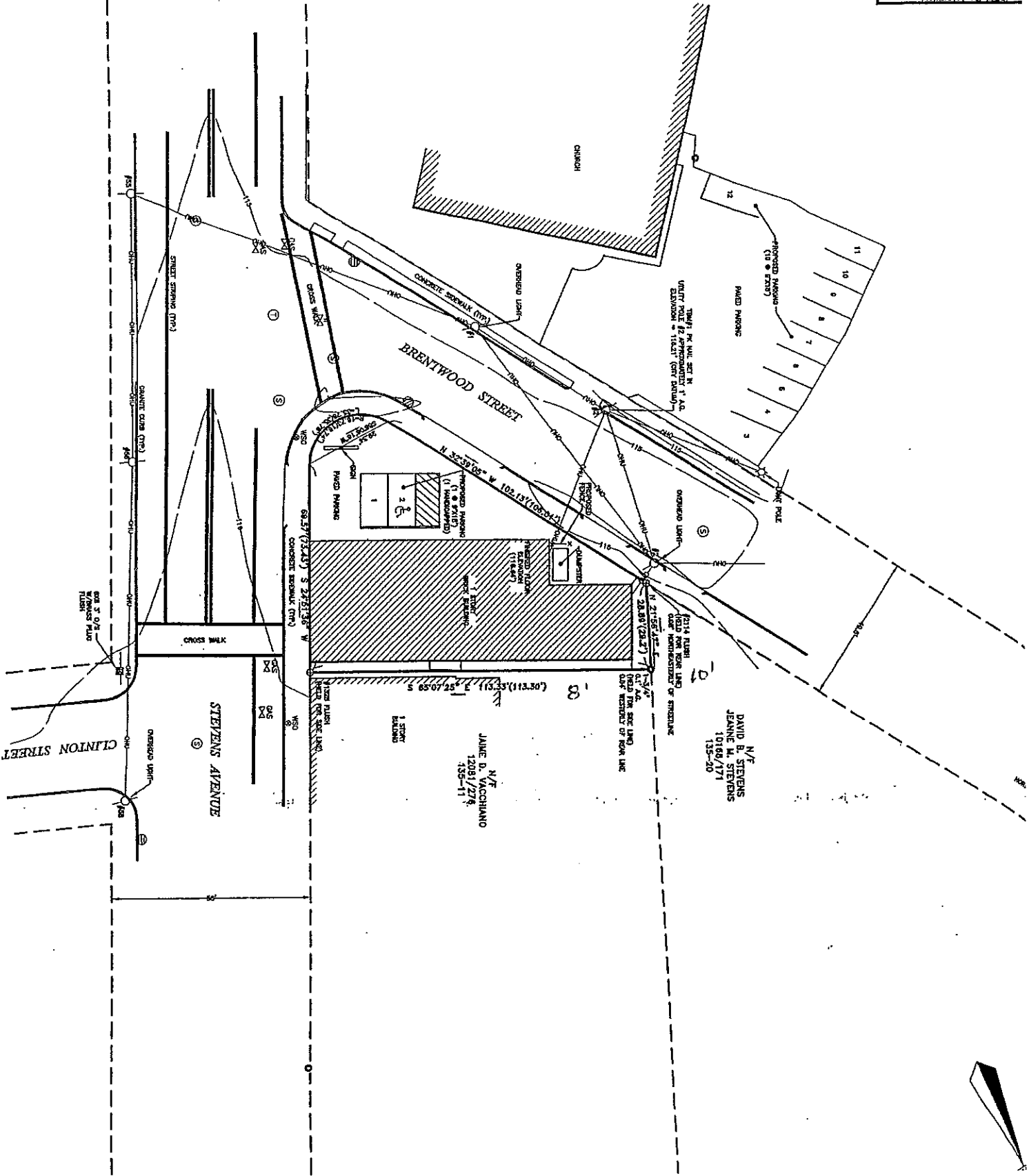
Joe Pompeo, the owner of the Property is before the board seeking a conditional use change to go back to the Pompeo's Brick Oven Pizza usage. There is no unique or distinctive characteristics or effects associated with the proposed conditional use. There will not be any adverse impact upon the health, safety, or welfare of the public or the surrounding area. There will not be any impact that differs from the impact which would or has normally occurred from such a use in that zone.

Pompeo's want's to become a neighborhood shop as it once was, provide a place for neighbor's to meet, and most of all be the hub of Deering Center as it once was.

Sincerely

Joseph N. Pompeo

VICINITY MAP
SCALE 1" = 100'



N/F
DAVID B. STEVENS
JEANNE M. STEVENS
10180/171
133-20

N/F
JAIME D. VACCHIANO
12081/218
133-11

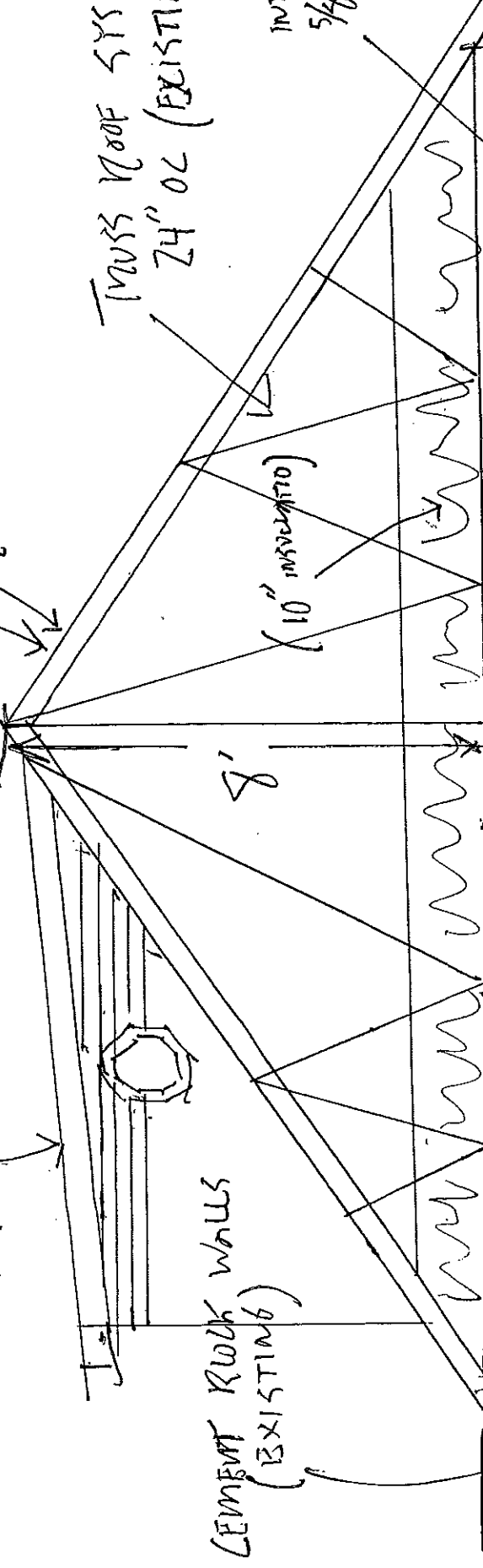


7110 V. DIVV (FROM STEVEN'S AVE.)

(EXISTING DORMER)

3 TAB ROOF SHINGLES

1/2 COX



TRUSS ROOF SYSTEM
24" OC (EXISTING)

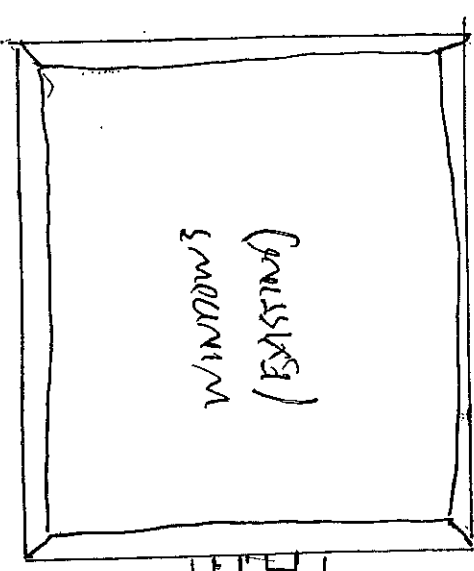
INTERIOR
5/8 PLYWOOD
CEILING

(10" INSULATION)

CEMENT BLOCK WALLS
(EXISTING)

8'

40'



BRICK VENEER SIDING

WINDOWS
(EXISTING)

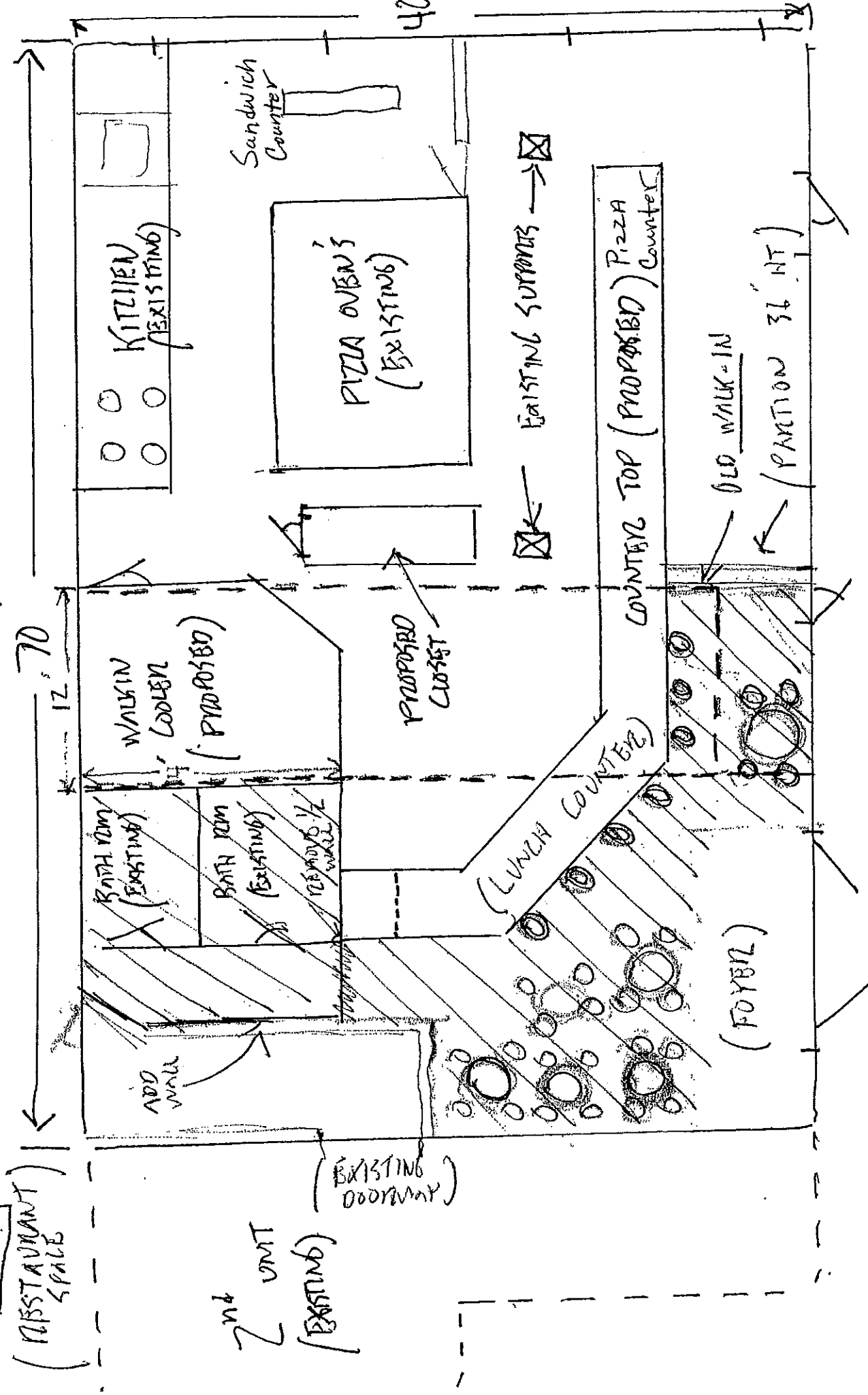
WINDOWS
(EXISTING)

2x4
WALL
1/2 DW

10'

10" REINFORCED SLAB (EXISTING)

(TOTAL S.F. 740) (TOP VIEW) FLOOR PLAN



(RESTAURANT SPACE)

2nd UNIT (EXISTING)

(EXISTING DOORWAY)

(FOYER)

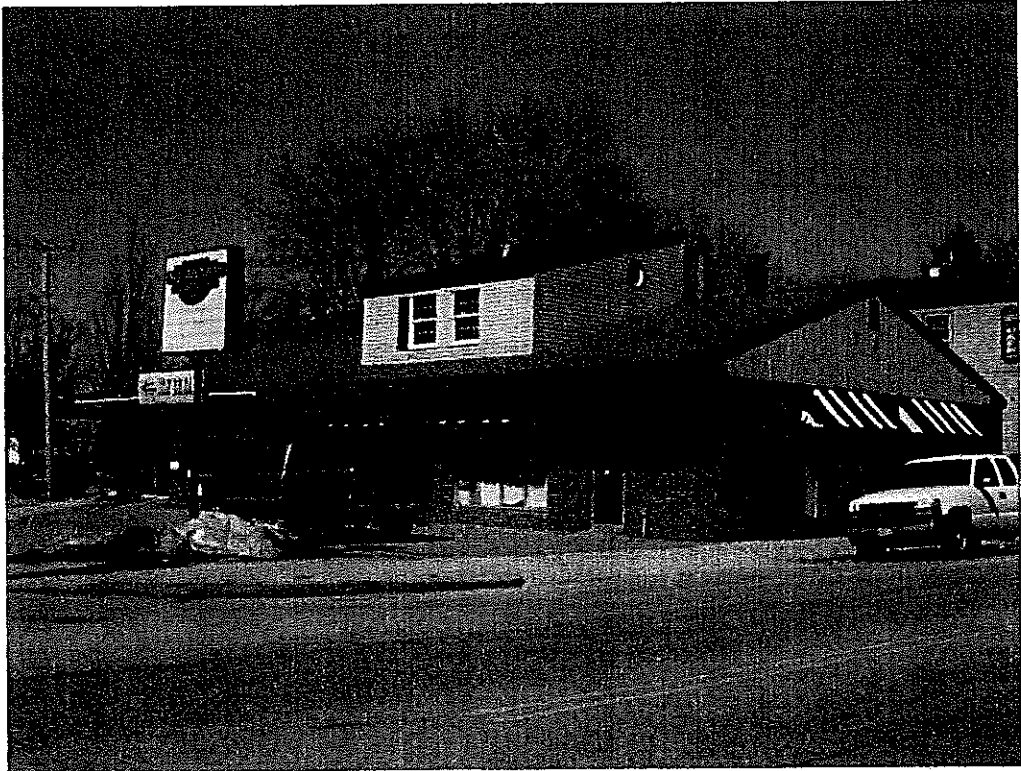
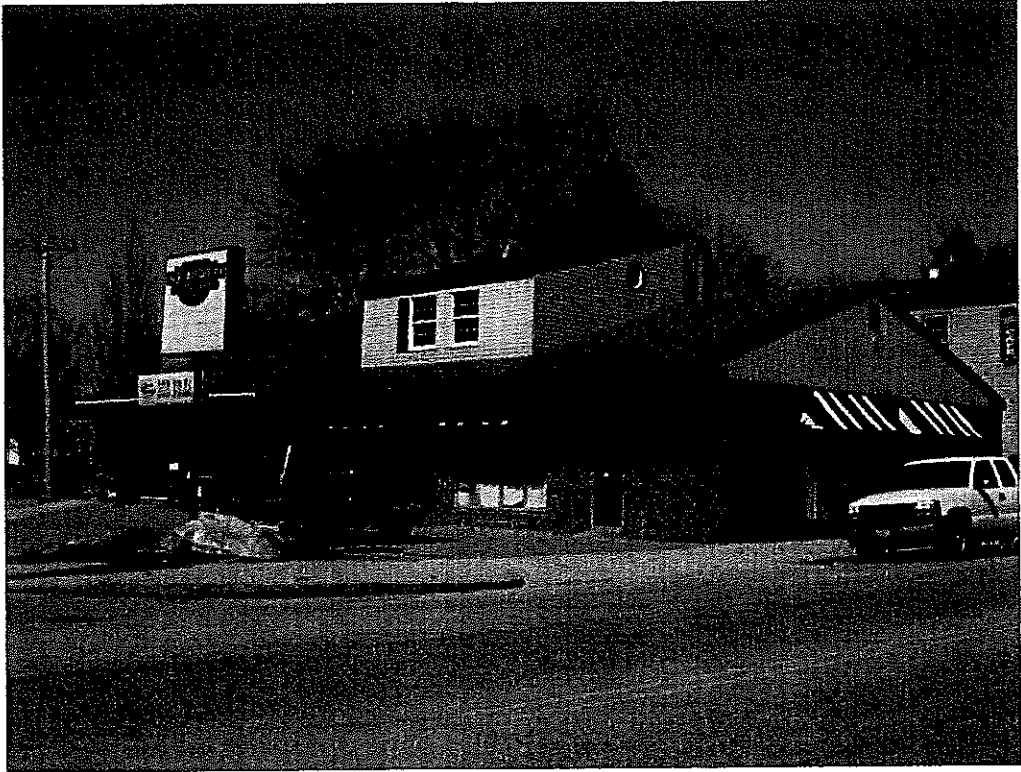
↓ BRENTWOOD ST. ↓

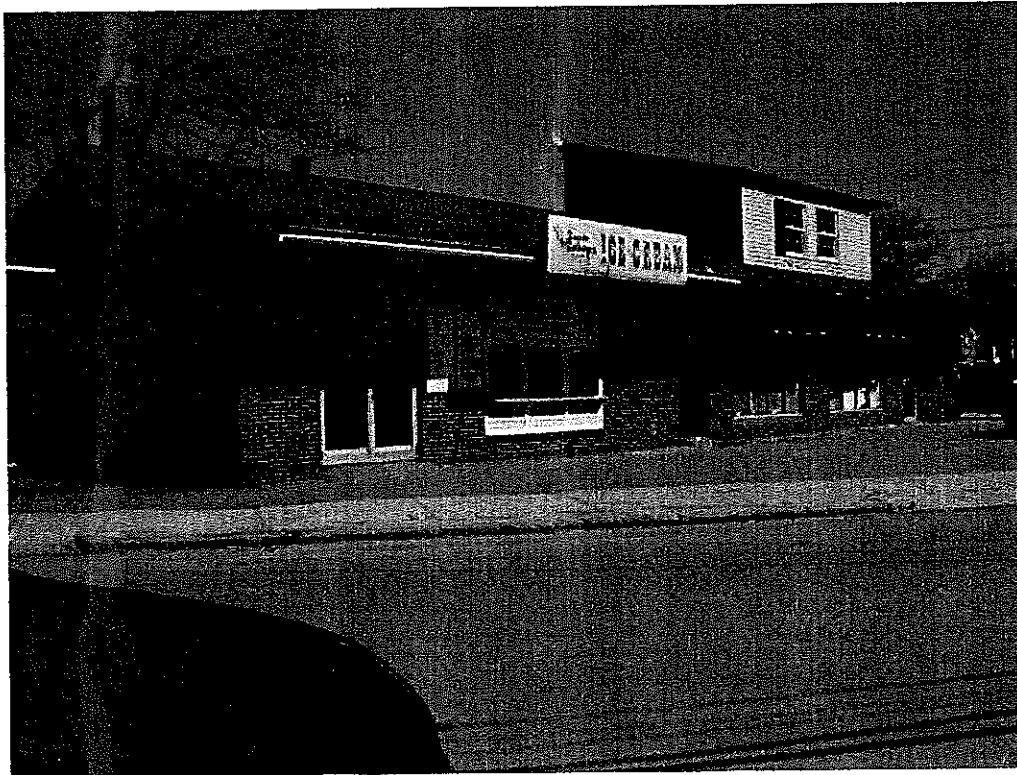
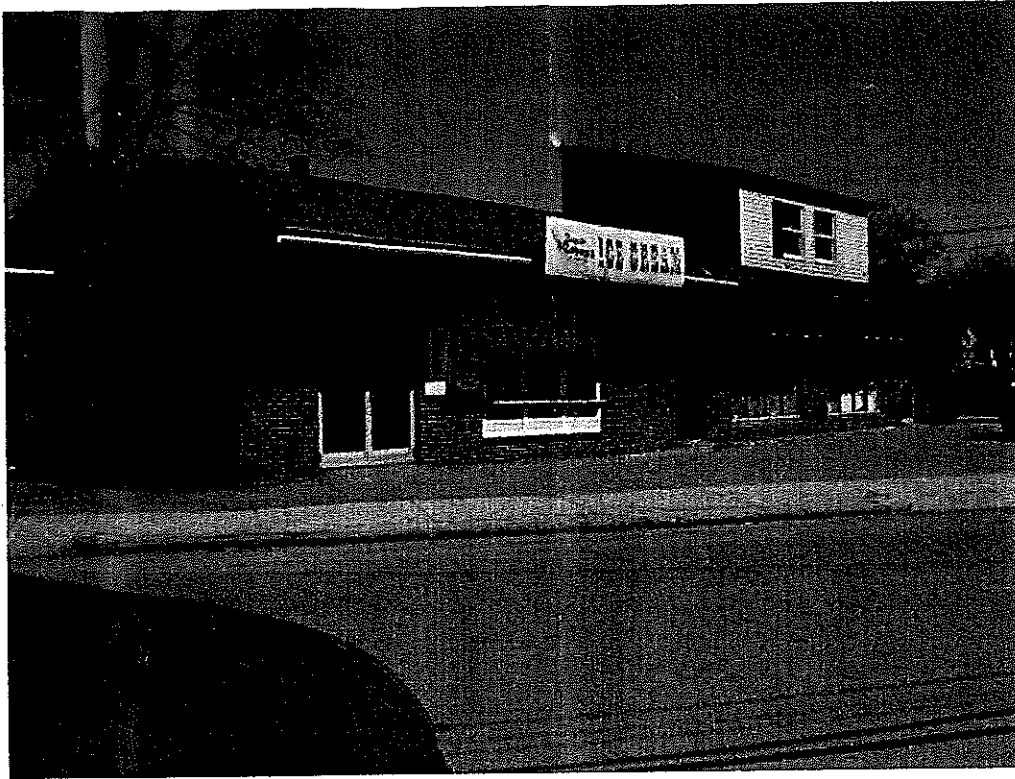
NO 135



A5

942922





WARRANTY DEED
(Maine Statutory Short Form)

THAT, ROCK REALITY CO., INC., a Maine Corporation with a principal place of business in Portland, Cumberland County, Maine for consideration paid, grants to ROCK PROPERTIES, LLC, a Maine Corporation, whose mailing address is 45 Wadsworth Street, Portland, Maine 04103, with WARRANTY COVENANTS, a certain lot or parcel of land with any buildings thereon situated in the City of Portland, Cumberland County, Maine, bounded and described as follows:

SEE SCHEDULE "A" ATTACHED HERETO
MADE A PART HEREOF AND INCORPORATED BY REFERENCE HEREIN

Being the same premises conveyed to the Grantors herein by deed from Harry M. Shwartz and Alice W. Rosenberg dated June 26, 1970 and recorded in the Cumberland County Registry of Deeds in Book 3131, Page 817.

IN WITNESS WHEREOF, ROCCO POMPEO, President of the Rock Reality Co., Inc. caused this instrument to be executed on this 23 day of JUNE, 2005.

SIGNED, SEALED AND DELIVERED
in presence of

ROCK REALITY CO., INC.

Christine Walls

Witness

By: Rocco Pompeo

Its: President

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Rocco Pompeo, President of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Corporation.

Before me,

Christine Walls

Notary Public/Attorney at Law

Printed Name: CHRISTINE WALLS

Christine C. Walls
NOTARY PUBLIC
State of Maine
My Commission Expires 7/1/10

MAINE REAL ESTATE TAX PAID

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated in said Portland, in that part know as Deering, bounded and described a follows:

Beginning on the west side of the street know as Stevens Avenue, formerly Stevens Plains Avenue, at a junction of said Avenue with the northerly side of Brentwood Street, formerly Central Avenue, and thence running northerly by said Stevens Avenue one hundred three and ninety-two one hundredths (103.92) feet, more or less to the corner of the lot of land conveyed by Daniel W. Hoogg to Joseph H. Hutchings by deed dated September 8th, 1896, and recorded in Cumberland County Registry of Deeds, Book 639, Page 387; thence running westerly by line of said Hutchings land one hundred thirteen and three tenths (113.3) feet, more or less, to land now or formerly of Dr. Perkins; thence southerly by land of said Perkins twenty-nine and two tenths (29.2) feet, more or less, to the northerly side of Brentwood Street; thence easterly by said Brentwood Street one hundred thirty-six and one half (136-1/2) feet, ore or less, to the point begun.

Excepting the following described premises conveyed by Rock Realty Co., Inc. to the City of Portland by deed dated March 14, 1972 and recorded at Book 3218, Page 124 bounded and described as follows:

Beginning at a point at the intersection of the westerly street line of Stevens Avenue and the northeasterly street line of Brentwood Street; thence northerly along the westerly street line of Stevens Avenue a tangent distance of 30.49 feet to a point; thence on a curve through the south and west with a radius of 16.74 feet, a distance measured on the arc of 35.78 feet to a point on the northeasterly street line of Brentwood Street; a tangent distance of 30.49 feet to the point of beginning.

Received
Recorded Register of Deeds
Jun 24, 2005 12:13:24P
Cumberland County
John B O'Brien

Central Square Baptist Church

Corner of Brentwood Street, Stevens and Pleasant Avenues
Portland, Maine

Rev. Daryl L. Lavway
Pastor
61 Elmwood St.
Portland, ME 04103



Church Office
4 Brentwood Street
Portland, ME 04103
207) 773-2423

"Taking Seriously the Ministry of Reconciliation"

March 30, 2007

To the City of Portland,

This is to certify that the governing body of Central Square Baptist Church, the Church Council, has given permission to Joey Pompeo to use up to 10 parking spaces in our Brentwood St. parking lot for the employees and patrons of his restaurant.

Sincerely,

Rev. Daryl Lavway
Rev. Daryl L. Lavway



PORTLAND MAINE

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Assessor's Department
Richard W. Blackburn, Tax Assessor

February 1, 2007

Rock Properties LLC
45 Wadsworth Street
Portland, Maine 04103

NOTICE OF ACTION ON APPLICATION FOR ABATEMENT OF REAL ESTATE TAX

ACCOUNT ID # 20018
LOCATION: 476 Stevens Avenue CBL #135 E012001

Dear Sir or Madam:

Your application for abatement of property taxes on the above described property was granted on February 1, 2007.

REASON: Overvaluation

Where an abatement has been granted in whole or in part, we have included a computation showing your new valuation and tax liability.

You have 60 days from the date of this notice to appeal this decision. An appeal may be taken to the Portland Board of Assessment Review, (Telephone # 874-8434, mailing address: Portland City Hall, 389 Congress Street, Room 211, Portland, Maine 04101).

ORIGINAL VALUATION: \$623,600
NEW VALUATION: \$485,900

ORIGINAL TAX: \$10,170.92
NEW TAX: \$7,925.04

If you have any further questions please feel free to call the Assessor's office at 874-8486

Sincerely,

Richard W. Blackburn/lac
Richard W. Blackburn
Tax Assessor

RWB/lac



CITY OF PORTLAND, MAINE
Department of Building Inspections

3.19 2007

Received from Pompeo

Location of Work 476 Stevens Ave

Cost of Construction \$ _____

Permit Fee \$ 320.00

Building (B) _____ Plumbing (P) _____ Electrical (E) _____ Site Plan (S) _____

Other _____

CBL: 135-E 12

Check #: CC Total Collected \$ 320.00

THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$10.00 or 10% whichever is greater.

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

- a. Any residential use set forth in section 14-162(a);
- b. Bed and breakfast, subject to the standards of article V (site plan).

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, § 5, 3-3-97; Ord. No. 94-99, 11-15-99; Ord. No. 74-06/07, 12-4-06)

***Editor's Note--** Pursuant to Order No. 74-06/07 enacted on 12-4-06, the changes made in (2) *Business* have an effective date of October 16, 2006.

Sec. 14-163. Conditional uses.

The following uses permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of a ratio of 100 peak hour vehicle trips per 2000 sq. ft. of space, and generates in excess of 100 peak hour vehicle trips is prohibited. As set forth in the Technical and Design Standards and Guidelines, section III, 6, 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.

- (a) Restaurants, provided they meet the following requirements

- 1. Maximum total floor area for use of the public shall be one thousand (1,000) sq. ft.; *proposed 740 sq. ft*
- 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day; *11:00 AM to 10:00 P.M.*
- 3. Food service and consumption are the primary function of the restaurant; and *Food Primary function*
- 4. There shall be no drive-through service.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 3, 11-15-93; Ord. No. 94-99, 11-15-99; Ord. No. 74-06/07, 12-4-06)

No Drive-through

***Editor's Note:** Pursuant to Order No. 74-06/07 enacted on 12-4-06, the changes made in (2) *Business* have an effective date of October 16, 2006.

Sec. 14-164. Prohibited uses.

Uses not enumerated in sections 14-162 and 14-163 as either permitted or conditional uses are prohibited.

(Ord. No. 292-88, 4-4-88)

*5 parking Spaces (Super Scoops
plus Church parking lot.*